INVENTORY
OF THE
COUNTY ARCHIVES
OF
INDIANA

NO. 49

MARION COUNTY

1938

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MARION COUNTY COURTHOUSE, INDIANAPOLIS, INDIANA

INVENTORY OF THE COUNTY ARCHIVES OF INDIANA

Prepared by

The Historical Records Survey
Division of Women's and Professional Projects
Works Progress Administration

NO. 49. MARION COUNTY (INDIANAPOLIS)



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Indianapolis
1938

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1938

FOREWORD

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The Inventory of County Archives of Indiana is one of a number of bibliographies of historical materials prepared throughout the United States by workers on The Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the archives of Marion County, is number 49 of the Indiana series.

The Historical Records Survey was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by The Historical Records Survey attempt to do more than give merely a list of records—they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of The Historical Records Survey, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their co-operation is gratefully acknowledged.

The Survey was organized and has been directed by Luther H. Evans, and operates as a nation-wide project in the Division of Women's and Professional Projects, of which Mrs. Ellen S. Woodward, Assistant Administrator, is in charge.

HARRY L. HOPKINS
Administrator

PREFACE

The survey of local public records in Indiana was instituted on February 19, 1936, as part of a nation-wide undertaking under the supervision of Dr. Luther H. Evans. Samuel J. Kagan, State Archivist of the Indiana History and Archives Division of the State Library, was assigned to lead the project as State Director. In the beginning the Survey was closely associated with the Writers' Project. On September 23, 1936, The Historical Records Survey was nominally as well as factually made independent of the Writers' Project. In general, it has from its very inception acted as a separate and independent unit of Federal Project No. 1.

The inventory proper is preceded by a number of introductory essays to enlighten the reader concerning facts and events forming the background and basis of the records. The entries for the record series are carried in consecutive numbering for the county. The bureaus are arranged in functional order: Governing boards; major administrative offices; judicial offices; and financial, election, educational, health, public welfare, engineering, and other groups. Whenever applicable, natural groupings under separate headings are made within the bureau, and the entries are arranged thereunder also according to functional sequence. An extensive index will aid the reader to locate records with a minimum of inconvenience and effort.

The field work of the survey of Marion County records was begun on February 21, 1936, under the district supervision of Mrs. Mary E. Herrmann, of Indianapolis. The field workers were James L. Slaton, Earl Abbott, Charles J. Jones, and David Probstein, all of Indianapolis. It was completed on June 20, 1936. Many visits, however, have since been made by revisers to the county courthouse to check and recheck the information contained therein, the final recheck having been made in May 1938.

The editing of this inventory has been conducted by an editorial staff of some twenty men and women, whose labors we deeply appreciate and wish to recognize forthwith: Harry A. Rider, Editor-in-Chief, and John R. Milligan, Associate Editor, under whose supervision the final manuscript was prepared for publication; Howard G. Underwood, historical research; and Fred E. Knodle, drawing the chart and floor plans. The compiling of data and preliminary editing of entries was done by Howard P. Crossen, Dorothy Gummere, and Fred O. Rusher, under the supervision of Canis E. Brockway, Field Editor. The housing report was compiled by Richard I. Nation.

The original survey was made at the record depositories and carefully checked and compiled in the form of this inventory in the state editorial office. Of the industrious and painstaking devotion to his task of each and every person who had a part in the survey we are keenly

aware, and we regret that we cannot commend by name the services of all who have contributed to the publication of this volume.

The Survey is indebted to county officials; to the State Works Progress Administration; to John K. Jennings, State Administrator; to Kenneth E. Lancet, Acting Director of Women's and Professional Projects, who has rendered the Survey a great personal service in the administering of the project; to the late Dr. Charles Kettleborough, Director of the Legislative Bureau, who aided in frequent consultation and placed the facilities of the bureau at our command at all times; and to Dr. Christopher B. Coleman and to Dorothy Riker, of the Historical Bureau, who have given technical service to the project and have helped in preparing the volume for publication.

Five hundred copies of this volume have been printed. Copies have been distributed without charge to state libraries, to various governmental offices, and other depositories. The remainder are for sale by the publisher, the Indiana Historical Bureau, the proceeds to be used for the publication of similar material.

SAMUEL J. KAGAN
State Director, The Historical Records Survey

Indianapolis, Indiana
June 1938

THE HISTORICAL RECORDS SURVEY

Luther H. Evans, National Director
Samuel J. Kagan, State Director

DIVISION OF WOMEN'S AND PROFESSIONAL PROJECTS

Ellen S. Woodward, Assistant Administrator
Kenneth E. Lancet, Acting State Director

WORKS PROGRESS ADMINISTRATION

Harry L. Hopkins, Administrator
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1938

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C. I. Wheatley

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RECORDER
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L. Ert Slack
Clarence Weir
H. E. Wilson

JUDGE OF THE JUVENILE COURT
John F. Geckler

JUDGE OF THE PROBATE COURT
Smiley N. Chambers

JUDGES OF THE MUNICIPAL COURT
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John L. McNelis
Charles Karabell

SHERIFF
Otto Ray

CORONER
Ethelburt Wilson

PROSECUTING ATTORNEY
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INHERITANCE TAX APPRAISER
George T. O'Connor

ASSESSOR
Robert R. Sloan

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Frank Brattain
Albert Myers

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John White
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Walter C. Boetcher
H. Nathan Swaim
A. B. Good

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TREASURER
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AUDITOR
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REGISTRATION OFFICER
Glenn B. Ralston

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Robert Smith
Hendricks Kenworthy

BOARD OF EDUCATION
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SUPERINTENDENT OF SCHOOLS
J. Malcolm Dunn

HEALTH OFFICER
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John Routon
Ed. Cook
Henry Van Cleve
Leonard A. Hohlt
Edward C. Cook
Charles W. Walker
Charles M. Dawson
Herbert McClelland

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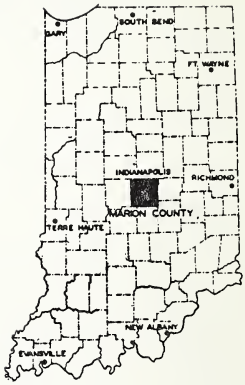
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MARION COUNTY

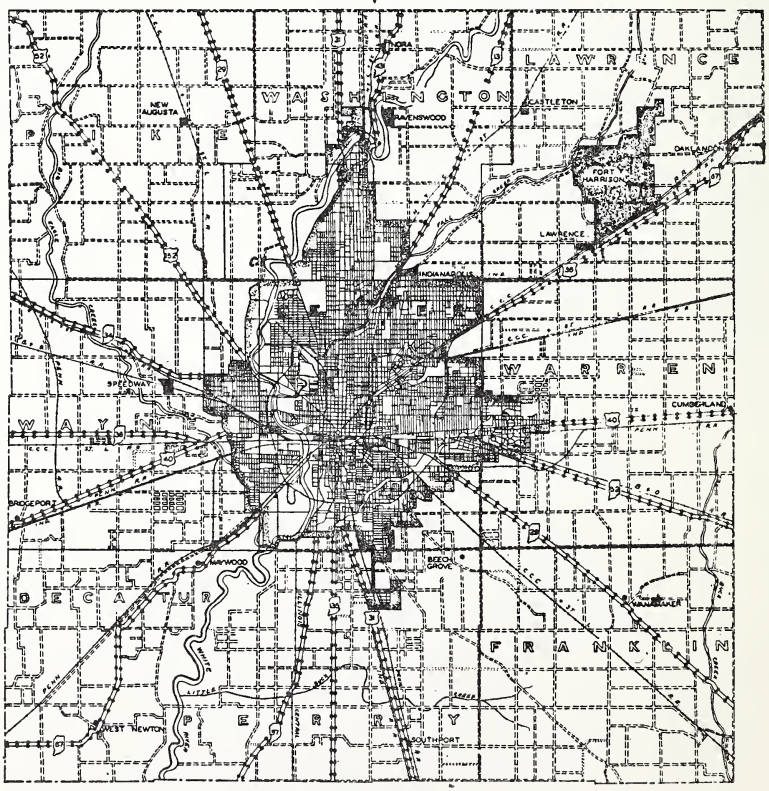
STATE PLANNING BOARD OF INDIANA 1936



LEGEND

- STATE AND U.S. HIGHWAYS
- IMPROVED ROADS
- DIRT ROADS
- TOWNS
- CITY

SCALE OF MILES



PART A. MARION COUNTY AND ITS RECORDS SYSTEM

1. HISTORICAL SKETCH

The history of Marion County lies in three directions—independent and, at the same time, interdependent and related. Its growth has been largely directed by special legislative acts and administrative needs and affected at all points by the presence of the state offices and institutions. As the seat of state government, all events have followed the course of its plan and purpose. As the site of the largest city—by far the largest city—of the state,[1] it is an urban county of industrial and commercial importance, in its own right, with a civic life apart from its governmental significance. As the townships outside the city limits are farming areas, finding markets in the city, it is, in part, a rural county in interests and developments.

In origin, the county was thus the result of definite and preconceived planning. The physical form of both county and city is still the same. The changes of a century and a quarter have not deflected the intent and foresight of its planners—national, state, and local—although its physical aspects have altered during its evolution from a pioneer settlement to a modern center of commerce. The setting of its early years was a strange community—an admixture of officialdom and land-hungry settlers, with a population newly come from all settled parts of the state and from many other states.

The Lay of the Land

Marion County is situated in the center of the state; in shape, an exact square except for a projection four miles long and about three-fourths of a mile wide at the northeast corner, extending east into Hancock County. It is bounded on the north by Boone and Hamilton Counties, on the east by Hancock and Shelby Counties, on the south by Johnson and Morgan Counties, and on the west by Hendricks County. The area is 397 square miles or 254,080 acres.

The county is part of a great plain and has a mean altitude of 170 feet above low water in White River and 860 feet above the sea. The river bottoms are level, varying in places to slightly rolling. On the west side of the river, along most of its course, the bluffs rise from fifty to two hundred feet high. On the east side is a long, gentle slope.

[1] Compare Marion County, with a population of 422,666 in 1930, with the three next largest counties: Lake, 261,310, containing three cities—East Chicago, Hammond, and Gary; St. Joseph (South Bend), 160,033; and Allen (Fort Wayne), 146,743. *Fifteenth Census of the United States: 1930. Population*, 1:333.

The level stretches on the upland range from one to five square miles in size.[2]

The surface is rough, however, in the northwestern part of the county along Eagle Creek, and to a limited degree along Fall Creek and White River. The drainage of practically the entire county is into White River which flows generally in a southwestern direction. Eagle Creek, flowing into White River a few miles below Indianapolis, and Fall Creek, entering near the northeast corner, flowing southwesterly, and joining White River at Indianapolis, are the two other principal streams in the county. The tributaries are Pogue's Run, Pleasant Run, Lick Creek, Buck Creek, and Williams Creek.

The county seat is Indianapolis, which occupies almost the whole of Center Township with later additions stretching out into Washington, Warren, Perry, and Wayne—latitude 39° 55′, longitude 86° 5′— in the middle of both state and county. Samuel Merrill, state treasurer 1823-34, who prepared a map illustrating the growth of Indianapolis at the periods 1821, 1823, 1835, and 1850, is authority for the statement that in exact measurements the city originally laid out—the mile-square—is one mile southwest of the center of the county.[3]

Early Indiana

The early history of Indiana is rooted in the history of French and English explorers, fur traders, and colonists in America, in general, and in the Northwest Territory, in particular. Jacob Piatt Dunn commences his history of Indianapolis[4] with Indiana's first seat of government at Paris, shifting to Versailles, with the provincial capital at Quebec and the local authority at Detroit; after the Treaty of Paris in 1763, transferring these lands from French to English hands, the capital passed to London with Quebec and Detroit intermediary centers as before. General George Rogers Clark's conquest of this western country for Virginia in 1778 and 1779 brought the authority to Richmond which in October 1778 established the County of Illinois embracing "the western side of the Ohio,"[5] whence upon Virginia's cession it was ordered to Marietta (now in Ohio) by the Ordinance of 1787, which created the Northwest Territory.[6]

While the French were entering the Ohio Valley from New France and from Louisiana the English fur traders, chiefly from Pennsylvania, were pushing westward into the valley. During the commercial rivalry that ensued France erected three important trading posts in Indiana: first, about 1715, "Post Miami" (Fort Wayne), at the head of the Maumee; second, in 1722 or earlier, a fort at Ouiatanon, on the

[2] Brown, Ryland T., "Report of a Geological and Topographical Survey of Marion County, Indiana," in Indiana *Geological Report*, 1882, pp. 81-82. Indiana State Planning Board, *Preliminary Survey of County Planning Problems in Indiana Counties*, vol. 3: Underwood, Roy L., *Marion County* (typewritten).

[3] Brown, Ignatius, "Historical Sketch of Indianapolis," in Howard's *Directory*, 1857, p. 1.

[4] Dunn, Jacob Piatt, *Greater Indianapolis*, 1:1.

[5] Hening, William W., editor, *The Statutes at Large . . . of Virginia*, 9:552-55.

[6] Laws N. W. Terr., 1788-1800, pp. 123-30. Rauch, John G., and Armstrong, Nellie C., *A Bibliography of the Laws of Indiana, 1788-1927*, xiii-xiv, xxi-xxviii.

Wabash, near Lafayette; and finally, before March 1733, a fort at Vincennes, on the lower Wabash. In the clash of empires (the French and Indian War) France was defeated and forced to cede New France to Great Britain (1763). After the American Revolution the Ohio Valley was claimed by several of the colonies, who ceded their claims to the United States. Congress enacted the Ordinance of 1787 for the government of the territory northwest of the river Ohio.

The provisions of this ordinance were put into effect as soon as possible. Knox County, composed of Indiana and parts of Ohio, Michigan, Illinois, and Wisconsin, was created in 1790.[7] Settlers rushed ahead of law and government, even preceding the treaties with the Indians, and daring and ruthless, the white man bluffed the red man on his own domain, making friends as friendship might serve and fighting him as occasion arose, but always pushing a relentless way across the wilderness. Population increased and settlements multiplied. Indiana became a Territory in 1800 and a State in 1816.

The New Purchase

The central part of Indiana lying southeast of the Wabash River was claimed by the Indian tribes belonging to the Miami Confederacy—the four principal tribes were the Twightwees (Miami), Wea (or Ouiatanons), Piankashaw, and Eel Rivers. By the year 1718 the Miami had claimed nearly all of Indiana except the north occupied by the Potawatomi, and the south which was a common hunting ground. As early as 1765 the Piankashaw had yielded at least the right of occupancy to the Delawares, who made settlements along Wapicomekoke or White River. Tribal warfare rendered impossible any combined resistance to the rising tide of white settlement. Finally, in the treaty of Fort Wayne in 1809, Governor William Henry Harrison, as commissioner, secured an agreement wherein the Miami "explicitly acknowledge the equal right of the Delawares with themselves to the country watered by the White River," and that "neither party shall have the right of disposing of the same without the consent of the other."[8]

By the Treaty of Greenville, August 3, 1795, most of Indiana was reserved to the Indians for their hunting grounds.[9] The treaty was scarcely promulgated before the Federal Government began constricting the lines of the Indian country. The abundance of fish and game to be found within the confines of the area which eventually became Marion County made it a favorite hunting ground of the Indian tribes. The most numerous of these Indians were the Delawares, and one of their principal villages stood on the bluff of White River at the present southern county line. Big Fire, a leading Delaware chief and friend of the white people, lived there. After the Pigeon Roost massacre in Scott County in 1812, the Madison Rangers destroyed Big Fire's village in retaliation. Although his people were not involved, it took all Gover-

[7] Smith, William Henry, *The St. Clair Papers*, 2:166n.

[8] "Treaties between the U. S. and the Indian Tribes" in U. S. Statutes at Large, 7:113-16.

[9] *Ibid.*, 7:49-50.

nor Harrison's diplomatic and persuasive powers to avert further hostilities.[10]

This central region was obtained in 1818 from the aboriginal owners and is commonly called the "New Purchase." Title to their lands between the Wabash and earlier acquisitions along the Ohio River was ceded by the Delaware and Miami tribes to the United States Government, October 3 and 6, 1818, by the treaties of St. Mary's covering about one-third of the area of the state.[11] The Indians were permitted to occupy the lands until 1821, when they were removed to reservations west of the Mississippi River. This territory was divided by an act of January 20, 1820, into two counties—Wabash and Delaware. Wabash County contained "all that part of the said new purchase, lying west of the second principal meridian;" and Delaware County contained "all the remaining part of the said new purchase, lying east" of the meridian, except such parts as had already been attached to other counties. Wabash and Delaware Counties were never formally organized and never had county seats. In Delaware County lay the region that is now Marion County.[12]

William Conner was the first white settler on White River, coming about 1802. He had been captured as a child, with his brother John, by the Indians and had spent most of his boyhood and early manhood among them. He had an Indian wife, spoke many dialects fluently, and had served as interpreter, guide, and Indian agent. The history of Conner's Station, about sixteen miles north of Indianapolis and four miles beyond the present county line was closely connected with that of the county, and Conner was active in business circles in Indianapolis for many years.

The date of the first white settlement within the present area of Marion County is in dispute. The common tradition, and the one usually accepted, is that George Pogue arrived on March 2, 1819, and built a double log cabin on the high ground along the creek now known by his name, Pogue's Run. Then there was not another white man living in the county, and Pogue's family continued to be the only occupants until the 27th of February, the next year, when John and James McCormick built their cabins on the river bank near the National Road. There are some who place Pogue's coming after the McCormicks. Pogue was a blacksmith, "a large, broad-shouldered, and stout man, with dark hair, eyes, and complexion, about fifty years of age, and a native of North Carolina. His dress was that of a Pennsylvania Dutchman, a drab overcoat with many capes, and a broad-brimmed felt hat."[13] He disappeared in 1821, leaving home one morning to reclaim some horses which the Delawares were reported to have run off. A few weeks after the McCormicks came, John Maxwell and John Cowan settled on Fall Creek near where the City Hospital now stands. Other settlers in 1820

[10] Dillon, John B., *History of Indiana*, 492-93. Sulgrove, Berry R., *History of Indianapolis and Marion County*, 8. Naylor, Isaac, "An Account of Pigeon Roost Massacre," in *Indiana Historical Society Publications*, 2:129-31.

[11] "Treaties between the U. S. and the Indian Tribes," *loc. cit.*, 7:188-192.

[12] Act 1819-20, ch. 54, secs. 1-3.

[13] Nowland, John H. B., *Early Reminiscences of Indianapolis*, 20.

were Henry and Samuel Davis, Isaac Wilson, Robert Harding, Robert Barnhill, Jeremiah J. Corbaley, and a man by the name of Van Blaricum. These pioneers settled for the most part in the vicinity of the river.

Locating a Capital

The territorial capital was moved from Vincennes to Corydon in 1813 and three years later Indiana Territory was admitted into the Union (December 11, 1816). The enabling act granted to the new state four sections of land for the purpose of fixing the permanent seat of government thereon, located on lands thereafter to be acquired from the Indian tribes. All of these lands lay north of the existing settlements. It was conceded that the permanent capital should be in the center of the state. Accordingly, on January 11, 1820, the general assembly appointed ten commissioners to select a site: George Hunt, of Wayne County; John Conner, of Fayette; Stephen Ludlow, of Dearborn; John Gilliland, of Switzerland; Joseph Bartholomew, of Clark; John Tipton, of Harrison; Jesse B. Durham, of Jackson; Frederick Rapp, of Posey; William Prince, of Gibson; and Thomas Emmerson, of Knox. The act required the Governor to set a day by proclamation for "them to meet at the house of William Conner, on the west fork of White River," and to "proceed to view, select, and locate, among the lands of the United States, which are unsold, a site which in their opinion, shall be most eligible and advantageous for the permanent seat of government of Indiana, embracing four sections, or as many fractional sections as will amount to four sections."[14]

Although provision was made for a clerk "who shall keep a fair record of their proceedings herein, which shall be signed by each and every [one] of them and attested by their clerk, a copy of which they shall file in the office of the secretary of state," no such record is extant today. Our only knowledge of the proceedings comes from a Journal kept by John Tipton, one of the commissioners.[15]

All the commissioners, except William Prince, met on May 23, at the prescribed meeting place at William Conner's—a trading post on the prairie of the White River bottom, with a number of Indian huts near the house. After examining several nearby points, they followed White River down to the settlement at the mouth of Fall Creek and then broke up into separate groups to look over several places round about. On Saturday, May 27, they held a final meeting with several visiting members, who had accompanied the party, including Governor Jonathan Jennings, at the cabin of John McCormick just above where Washington Street now crosses White River—Fall Creek then emptied into the river there—and agreed upon the site. Judge William B. Loughlin, the surveyor, was sent for to describe the tract.

"The undersigned have endeavored to connect with an eligible site the advantages of a navigable stream and fertility of soil, while they have not been unmindful of the geographical situation of the various portions of the state, to its political centre, as it regards both the present

[14] Acts 1819-20, ch. 10, secs. 1-2.

[15] *Ibid.*, sec. 3. Tipton, John, "Journal," in *Indianapolis News*, April 17, 1879.

and future interests of its citizens," the commissioners reported to the house of representatives.[16] The general assembly approved the choice and named the new capital Indianapolis, the "City of Indiana," at the suggestion of Judge Jeremiah Sullivan. From the commissioners' report it is evident that there were several reasons, other than its being the center of the state, for the site selected for the capital. It was the converging point of Indian trails. At that time, White River was thought to be navigable, and there was a place for a good boat landing near what is now Washington Street. Also, it was thought, the high banks on both sides of the river would prove to be a protection against floods, and Fall Creek and Eagle Creek were considered good mill sites. The land back from the river was high, dry, and level, thus providing an excellent site for building a town. At this time, the proposed National Road was to pass within fifteen miles of Indianapolis. The locating commissioners decided to petition Congress to change the route of the road so it would pass through the new town, which change was finally made by Congress in 1825.[17]

As a temporary provision for law and order the Governor appointed John Maxwell and Jacob R. Crumbaugh "to act as justices of the peace at Indianapolis" until the organization of Delaware County was completed. Maxwell resigned in June and in his stead James McIlvain was commissioned by the Governor in October 1821. The justices' powers were limited. The bordering counties claimed concurrent jurisdiction, but they were a long distance away.[18] Furthermore, the question of the legality of the Governor's appointment in advance of the organization of county and townships was raised. The constitution provided for the election of justices of the peace but said nothing about their appointment. The general assembly's power to enact such a law, even in an emergency in a new settlement was doubtful. Reason prevailed, however, and no formal resistance to the justices' jurisdiction in the interim was made.

Squire McIlvain held court at the door of his log cabin, smoking his pipe, while the jury sat on a log in front of him and Constable Corbaley alertly guarded the prisoners on trial. Calvin Fletcher, then the only lawyer in the town, acted both as counsel and advisor to the court when some legal knot proved too tangled for the squire.

As the community had no jail, the authorities were hard pressed to keep convicted culprits in custody. On Christmas Day, 1821, four Kentucky boatmen sailing up White River in a keelboat landed for a revel. Getting drunk, they began to "take apart" Dan Larkins' "grocery" (groceries in those days sold liquor) and defied the citizens who wanted a quiet Christmas and turned out to see what the row was about. James Blake offered to capture the leader singlehanded if the crowd would tackle the other three rioters. Squire McIlvain opened court immediately, although it was scarcely daylight, and tried and fined the disorderly crew. They had spent their money and there was nothing

[16] H. J. 1820-21, pp. 25-26.

[17] U. S. Statutes at Large, 4:128, 351.

[18] Acts 1819-20, ch. 53, sec. 1; ch. 54, sec. 2. Acts 1820-21, ch. 41, secs. 1-3. Brown, "Historical Sketch of Indianapolis," 1857, *loc. cit.*, 3, 8-9.

to do but to hold them in default of payment. The nearest jail was at Connersville, so it was decided to wink while the guard set over them conveniently allowed the whole party to escape.[19]

That fall the inhabitants met at Hawkins' Tavern. It was decided not to wait upon the organization of Delaware County, but to petition the general assembly for a new county. They chose James Blake and Dr. Samuel G. Mitchell to go to Corydon to "lobby" for such a law.

Creation of Marion County

On December 31, 1821, the general assembly created Marion County and its formal existence began April 1, 1822. It was named in honor of General Francis Marion, of South Carolina, who was one of the heroic figures in the American Revolution. An amendatory act of January 7, 1824, corrected the eastern and western boundaries to agree with the actual survey lines.[20]

The county was surrounded on all sides by unorganized territory; it was, indeed, detached from Delaware County, a county known only to the statute books. Marion County proper was twenty miles square but for governmental purposes there were attached to it other tracts of country, lying to the north, larger in total extent than the county itself, and which later became parts of Boone, Hamilton, and Madison Counties. These tracts were detached when Hamilton County was organized in 1823 and Boone in 1830. The adjoining counties of Morgan and Shelby were created at the same session of the general assembly. Inhabitants of the attached sections were entitled to all the rights and privileges of Marion County citizens, including office-holding.[21]

The legal boundaries of the county were defined as follows: "Beginning at the north-east corner of section numbered fifteen in township seventeen north of range five east of the second principal meridian line, in the district of Public Lands sold at Brookville; thence south twenty miles to the south-east corner of section twenty-two in township fourteen north of range five east; thence west twenty miles to the south-west corner of section twenty-one, in township fourteen north of range two east; thence north twenty miles to the north-west corner of section sixteen in township seventeen north of range two cast [east] thence east to the beginning."[22]

The only boundary change occurred when the western county line was straightened by an act of February 10, 1831. The new boundary description was: "Beginning at the north east corner of section numbered fifteen, in township seventeen north, of range five east of the second principal meridian line, in the district of lands sold at Brookville; thence south twenty miles on the section line to the south east corner of section twenty-two, in township fourteen north, of range five east; thence west twenty miles, to the south west corner of section twenty-one, in township fourteen north, of range two east; thence north, to the

[19] Brown, *ibid.*, 8.
[20] Acts 1823-24 (special), ch. 30.
[21] Acts 1821-22, ch. 72, sec. 7. Acts 1825, ch. 12, secs. 1-2.
[22] Acts 1821-22, ch. 72, sec. 1.

north west corner of section four, township sixteen north, of range two east, to [of] the second principal meridian, that being the west line of Marion County; thence running due north, parallel to the west line of sections thirty-three, twenty-eight, twenty-one and sixteen, to where it would intersect the north line of Marion County; thence due east to the north west corner of section sixteen, township seventeen, north of range two east, to where it strikes the north boundary of said county of Marion; thence east to the place of beginning."[23]

Surveying the Capital Site

By an act of January 6, 1821, the general assembly established the land selected as the permanent seat of government of the state, and in joint session elected General John Carr, agent for the state for sale of lots, and James W. Jones, Christopher Harrison, and Samuel P. Booker, commissioners, to lay out the town.[24] The commission was directed to meet on the ground "on the first Monday in April . . . and . . . proceed to lay out a town . . . as they may deem most proper, and on such plan as they may conceive will be advantageous to the state and the prosperity of said town having specially in view the health, utility and beauty of the place." The other commissioners not appearing, Harrison decided himself "a majority thereof" and proceeded to business. He employed Alexander Ralston and Elias P. Fordham as surveyors, and Benjamin I. Blythe, as clerk.

Ralston had seen service with Major Pierre Charles L'Enfant in the survey of the City of Washington, and the design of Indianapolis is a combination of a city of rectangular squares with the plan of radiating avenues. The large plat, commonly known as "the mile square," lay within North, South, East, and West Streets and in the center of "the donation"—the four sections donated by Congress in the enabling act. The four central squares of the city, taken together, were called "the Governor's square."

The town lay in the midst of dense woods. Standing at the intersection of Washington and Meridian Streets, tradition says, one could not see a house halfway down the block. It was just like camping out in the forest on a hunting expedition, except that camping places were log cabins instead of tents. The trees stood in the middle of the streets and the only passageway was a cowpath. Lismond Basye seized the opportunity to clear off the trees in Washington Street for the timber contained in them. After cutting the trees down he found no way to make use of them as there was no sawmill, and in despair he abandoned the job. The inhabitants finally burned the logs.

The first sale of lots began on October 8, 1821, and continued for a week. Thomas Carter was the auctioneer and James M. Ray, the clerk. It was held at Nowland's tavern where the owner had built an "office" as an addition to his cabin. "The first day was cold and raw with a high wind and a man at the sale came near being killed by a falling limb,"

[23] Rev. Laws 1831, ch. 19, sec. 57.

[24] Acts 1820-21, ch. 18, secs. 1-3. H. J. 1820-21, pp. 282-83. Brown, Ignatius, "Logan's History of Indianapolis", in *Logan's Indianapolis Directory*, 1868, p. 3.

says the first historian of Indianapolis, Ignatius Brown. Only one lot was sold that day. The next day the sale was resumed in earnest, ending with fourteen sales on Saturday, the 13th. In all, 314 lots were sold.[25] Although lots sold for ten, twenty, or thirty dollars, on a payment plan, 169 were afterwards forfeited. The general assembly later came to "the relief of purchasers of lots in Indianapolis." Harrison's actions in the survey and sale were legalized by an act of November 28, 1821.[26]

Organizing the County

The first step in the organization of the new county was the appointment by the Governor of a sheriff whose duty it was to call a special election for the principal officials: Two associate judges, the clerk of the circuit court, the recorder, and three commissioners.[27] The general assembly elected William W. Wick, of Connersville, presiding judge of the Fifth Circuit—the circuit to which Marion County was attached. Accordingly, on New Year's day, 1822, the day following the act of organization, the Governor commissioned Hervey (or Harvey) Bates as sheriff.[28] Sheriff Bates on February 22 issued a proclamation setting the date of the election as April 1, the day that the organization act was to become effective.

Sheriff Bates and Judge Wick were not residents of the county at the time of their selection. Both were then living in Connersville and moved to Marion County in February. The sheriff issued his proclamation for the first election in Marion County on the day of his arrival. He was born at Fort Washington (later Cincinnati), Ohio. At the age of 21 he came to Brookville, Franklin County, Indiana, and cast his first vote in the election of delegates to the constitutional convention in 1816. Wick was a Pennsylvanian who had immigrated to Indiana in 1819 and had served as clerk to the state senate. "Though a young lawyer, [he] had had a good deal of experience in criminal cases," before his elevation to the bench.[29]

The campaign had already begun in the winter preceding. On Christmas day, 1821, the candidates gathered at McGeorge's store, tapped the only barrel of cider in town, and treated all comers. They came. "The candidates lead the concourse from one place to another until sundown," says Calvin Fletcher in his diary.[30]

There were no political parties in the new settlement as yet, and division among the voters was local or geographical. Most of the population was from Kentucky or from the Whitewater region and there naturally developed keen rivalry between these clans. "Although caucuses were not known in the first political canvass in Indianapolis,"

[25] Brown, "Historical Sketch of Indianapolis", 1857, *loc. cit.*, 11.

[26] Acts 1821-22, ch. 12, sec. 1. H. J. 1821-22, p. 87.

[27] Acts 1817-18 (special), ch. 3, sec. 1.

[28] H. J. 1821-22, p. 366. Record Book A [Executive Proceedings under the Government of the State of Indiana, November 7, 1816-November 2, 1823]. Fletcher, James Cooley, "Early Indianapolis," in *Indianapolis News*, May 10, 1879.

[29] Sulgrove, *op. cit.*, 35. Woollen, William Wesley, *Biographical and Historical Sketches of Early Indiana*, 252.

[30] Fletcher, *op. cit.*, April 12, 1879.

writes Rev. James Cooley Fletcher, Calvin's son, "yet there was a great deal of free independent campaigning and there were cliques and inner circles."[31] There were about forty candidates for the seven offices which were to be filled at this first special election, and 336 votes were cast although the town poll showed only 224 voters—the remainder lived in the districts not in, but temporarily attached to, the county. As a result of this election, James McIlvain and Eliakim Harding were elected associate judges; James M. Ray, clerk; Joseph C. Reed, recorder; and John T. Osborn, William McCartney, and John McCormick, commissioners.[32]

The board of commissioners held its first meeting on April 15 at the home of John Carr, in Indianapolis. Its first official act was to establish thirteen townships: Fall Creek, Anderson, White River, Delaware, Lawrence, Washington, Pike, Warren, Center, Wayne, Franklin, Perry, and Decatur. The first four were in territory temporarily attached, leaving nine which still remain in the county. As inhabitants were few in the outlying sections and no roads had yet been built, these nine townships were combined meanwhile into four. The board also appointed Daniel Yandes, treasurer. Later in the month a seal was adopted for the county and additional officials were appointed: Caleb Scudder, appraiser, and Harris Tyner, tax collector.[33]

On April 17, the board adopted a county seal described as follows: "A star in the centre, with the letters 'M.C.C.' around the same, with inverted carved stripes tending to the centre of the star and 'Marion County Seal' written thereon."[34] This seal was made of wood, and was hardly put into use until on May 14, the board adopted another seal with "the words 'The Marion County Seal, Indiana' around the outside, with a pair of scales in the centre, emblematical of justice, under which is a plough and sheaf of wheat, in representation of agriculture." This seal was brass and remained in use until 1841.[35]

At this May session, the board of commissioners established the tax rates for county purposes only, according to the following schedule:

> "For every horse, mare, gelding, mule or ass, over three years old, thirty seven and ½ cents : For covering horses, once the rate at which they stand the season : For every Tavern, ten dollars : For every Ferry six dollars [:] For every hundred dollars of the appraised valuation on Town lots fifty cents : For each and every pleasure carriage of two wheels one dollar, and for each pleasure carriage of four wheels one dollar and twenty five cents : For every silver watch, twenty five cents : For each gold watch fifty cents : For every head of work oxen three years old and upwards, twenty five cents per head, and on each male person over the age of twenty one years, fifty cents : Provided, that persons over the age of fifty years and not freeholders, and such as are unable from bodily dis-

[31] Fletcher, *op. cit.*, April 26, 1879.
[32] Commissioners' Record, 1:2-3. Fletcher, *op. cit.*, May 10, 1879.
[33] Commissioners' Record, 1:1-7, 17, 27.
[34] *Ibid.*, 1:10.
[35] *Ibid.*, 1:22-23.

3 1833 02408 4474

ability to follow any useful occupation for a livelihood and all idiots and paupers shall be exempted from said last mentioned tax."[36]

The commissioners estimated annually the expenses of the county offices. Within the limits fixed by law, the board set the rates on personal property and town lots.[37] The county derived no revenue from real property, except town lots. The land tax was exclusively a state levy. There was no general property tax until 1835.[38]

Alexander Ralston was named county surveyor in 1822, but he may not have served; Isaac Kinder's appointment followed in 1827. Uncertainty likewise exists as to the first coroner. Sulgrove states that George Smith, editor and publisher of the *Indianapolis Gazette*, was elected at the first election but refused to serve, and the office was filled by Harris Tyner. The first record of appointment of coroner occurs under date of September 1, 1823, when Harris Tyner was commissioned.[39]

The first session of the circuit court opened on Thursday, September 26, 1822, at John Carr's house, a double log cabin opposite the square reserved for the courthouse, as directed by the organization act "until [an] other house more suitable can be had."[40] The court adopted fourteen rules of practice and admitted ten attorneys to practice. As the cabin was too small for ordinary court business, the court adjourned to the house of Jacob R. Crumbaugh, the second justice of the peace at Indianapolis. The grand jury was "presented" by the sheriff, Calvin Fletcher was appointed the first prosecuting attorney, "prison bounds" for insolvent debtors were established, Richard Good "lately from Cork in the Kingdom of Ireland" was released from allegiance to the "Union" and King George IV, and a tavern license was granted to John Hawkins, landlord of the Eagle Tavern.[41]

This was the first tavern license granted in the county, for an act of January 5, 1821, had transferred the power from the board of commissioners to the circuit court (one of the few licenses issued by a court in Marion County, for the act of 1824 restored the power to the board). The tavern license was practically a license to sell liquor, although the tavern keeper had to give bond to provide sufficient bedding, stabling, and other accommodations for travelers. Twenty-two indictments were found by the grand jury; all, except one for assault and battery, were for selling liquor without license, and all but six were nolled on the ground that, prior to the first meeting of the circuit court, they had paid the tax and received permits from the clerk, as had been the procedure under the old system between sessions of the board of commissioners. There were thirteen civil causes on the docket.

While Calvin Fletcher was prosecuting attorney, the grand jury

[36] Commissioners' Record, 1:20.

[37] Acts 1819-20, ch. 73, sec. 2. Acts 1820-21, ch. 2, sec. 2.

[38] Acts 1834-35 (general), ch. 11, secs. 1-2, 22.

[39] Record Book, *op. cit.* Sulgrove, *op. cit.*, 46, 48. No mention occurs in the Commissioners' Record of any coroner during the first year.

[40] Acts 1821-22, ch. 72, sec. 3. Circuit Court, Order Book, vol. 1.

[41] Commissioners' Record, 1:58. Circuit Court, Order Book, vol. 1.

indicted a man for selling liquor without a license, but the foreman refused to sign the indictment.

"I shall do no such thing, Mr. Fletcher; I sell whiskey without a license myself, and I shall not indict others for what I do."

"If you don't sign it, I will take you before Judge Wick," the prosecutor threatened.

"What do I care for Judge Wick?" rejoined the recalcitrant exemplar of freedom. "He knows nothing about such matters."

The prosecuting attorney ordered the grand jury into the court and stated the circumstances to the judge.

"Have twelve of the jury agreed to file the bill?" asked Judge Wick.

"Yes, eighteen of them."

The judge turned to the defiant fellow and in an exasperated tone addressed him: "Foreman, do you refuse to sign the bill?"

"I do."

"Well, Mr. Prosecutor," the judge handed down his decision, "I see no other way than to leave him to his conscience and his God; the grand jury will return to their room."

In the jury room the foreman jubilantly exclaimed, "I told you Judge Wick knew nothing about such cases."

Fletcher began to take off his coat and rejoined, "I am only taking legal steps to have the bill signed."

"What are you going to do now?" asked the still obstinate foreman. "What are you stripping off your coat for?"

"The law requires the last step to be taken."

"What is that?"

"To thrash you until you sign the bill."

"Don't strike, Mr. Fletcher, and I'll sign," immediately the foreman capitulated.

The grand jury returned to the courtroom. "Has the foreman signed the bill?" asked the judge again.

"He has," declared the prosecuting attorney.

The judge smiled and thoughtfully ended the case. "I thought his conscience would not let him rest until he had signed it."[42]

The Coming of the Capital

The organization act had appropriated $8,000 toward the erection of a courthouse and provided that the building be used by the state until a statehouse was built. On September 3, 1822, the contract was awarded to John E. Baker and James Paxton who had drawn the plans at a proposed cost of $13,996 (later added to the state's donation by an act of January 2, 1824). The courthouse was completed and accepted by the commissioners on January 7, 1825.[43]

The Constitution of 1816 had ordained Corydon "the seat of government of the State of Indiana until the year eighteen hundred and twenty-

[42] Smith, Oliver H., *Early Indiana Trials*, 57-58.

[43] Acts 1821-22, ch. 72, sec. 4. Acts 1823-24, ch. 2, secs. 1-2. Commissioners' Record, 1:176.

five, and until removed by law."[44] Opposition to removal naturally cropped up, ostensibly based on the lack of quarters for the state offices. The general assembly, January 10, 1824, after a peppery contest, made Indianapolis the permanent capital of the state and appointed Samuel Merrill, the state treasurer, to superintend the removal of the records and public property. In November 1824, he sold the state's surplus furniture at auction and with John Douglass, the state printer, and their families, began the move to Indianapolis. "The journey of about one hundred and sixty miles occupied two weeks. The best day's travel was eleven miles... Four four-horse wagons and one or two saddle horses formed the means of conveyance for the two families, consisting of about a dozen persons, and for a printing press and the state treasury of silver in strong wooden boxes."[45]

The early summer of 1820—three months after the date of the beginning of active settlement—saw fifteen or twenty families on the "donation." In July 1821, when the sale of government lands in Marion County began in the land office at Brookville, Franklin County, the number rose to thirty or forty. This year was one of hardship and deprivation. The country was low and swampy and malaria was prevalent. An epidemic of ague attacked the whole population with about twenty-five deaths ensuing. Everyone had to help his neighbors and a spirit of co-operation developed. The village relieved the monotony of a severe winter and a lonely wilderness, augmented by illness and destitution, by a determined cheerfulness, and a round of quilting and dancing parties. "A mania of marrying took possession of the young people," says an early writer, "and hardly a single bachelor was left in the place." The year 1822 ended with forty residences and a population of about three hundred.

The coming of the state capital in 1825 brought about great improvement in the material fortunes of the town—six hundred inhabitants, it is estimated, now lived here. The meeting of the general assembly was the great event of the year. Besides the members themselves, a host of visitors was present. Part of the town plat outside of the donation had already been sold at auction on January 25, 1825. On February 12, the general assembly ordered eighty more acres of outlots to be laid off for sale.[46]

Starting Points

Tradition, speaking through the old settlers, recorded many names, without exact dates, in connection with the disputes concerning the first birth and the first death in this wilderness. Accounts conflict but probably the first white child born within the area of the present county was Richard Corbaley, son of Jeremiah, August 7, 1820; first born on the donation was the son of Robert Harding; and first born within the original town limits was James Morrow, son of Samuel Morrow.[47]

[44] Const. 1816, art. 11, sec. 11.

[45] Sulgrove, *op. cit.*, 58. Dunn, *op. cit.*, 1:75.

[46] Acts 1825, ch. 2, sec. 1.

[47] Brown, "Historical Sketch of Indianapolis," *loc. cit.*, 11, and "Logan's History of Indianapolis," *loc. cit.*, 6. Fletcher, *op. cit.*, April 19, 1879.

Daniel Shaffer was not only the first merchant in Indianapolis but also, according to tradition, the first person in the settlement to die. He came early in 1821, established a store near the present line of South Street, and died that summer during the epidemic, one week after he had helped to select a site for a cemetery, later known as the "Old Graveyard" or "Greenlawn Cemetery." Nowland places Daniel Shaffer's death in August after that of John Maxwell's wife who died July 3, 1821. At least she was the first woman who died in the settlement. She was buried on the bluff of Fall Creek near the present City Hospital.[48]

In 1821 the first marriage took place—that of Jane Reagan and Jeremiah Johnson. As the county was as yet unorganized, "Jerry walked all the way to Connersville [in Fayette County] and back—altogether about 120 miles as the road then ran," for the license.[49]

The year 1821 also marked the arrival in Indianapolis of Daniel Yandes, who with $4,000 became the leading capitalist of Indianapolis and held that distinction for ten years.

The first newspaper published in the county was the *Indianapolis Gazette.* The editor and publisher was George Smith. He had come on foot from Jeffersonville, and bought two lots at the corner of Maryland and Missouri Streets. The printing office was in one corner of the cabin in which his family lived. He was a printer by trade, and with the assistance of his stepson, Nathaniel Bolton, printed the copies on a hand press from forms inked by hand with buckskin balls stuffed with wool. The first issue appeared on January 28, 1822. In 1825 he was elected as associate judge of the circuit court and gave up his journalistic career, leaving Bolton in charge. Smith was always termed eccentric and as long as he lived wore a cue in the Revolutionary style.

The *Gazette* was the only paper in Indianapolis for more than a year. On March 7, 1823, a rival appeared under the imposing title of the *Western Censor & Emigrants Guide,* later changed to the *Indiana Journal.* Harvey Gregg and Douglass Maguire were the publishers. Both papers were regularly issued except on occasions when the roads became impassable and shipments of paper could not come through promptly.

The first manufacturing plants were the mills. "One grist and [one] saw mill are now in operation within one mile of the centre of the town," the *Gazette* for February 25, 1822, proudly announced. The first gristmill, built in the fall of 1821, stood on Fall Creek race, near the river. The sawmill was near by; likewise a distillery. Others followed. But the new community was not satisfied. "We can hardly expect in the present age of improvement to be able to compete with others," exclaimed the *Journal* on November 21, 1826, "without the aid of steam." The general assembly led the way in the following January, ordering the sale at public auction of seven acres fronting the river and the Fall Creek bottom as a site for a steam mill.[50] Nicholas McCarty, James M. Ray, William Sanders, Noah Noble, and Daniel Yandes organized a steam-

[48] Fletcher, *op. cit.,* March 10, 1879. Nowland, *Early Reminiscences,* 34. Brown says May or June. "Logan's History of Indianapolis," 1868, *loc. cit.,* 6-7.

[49] Fletcher, *op. cit.,* April 19, 1879.

[50] Acts 1826-27, ch. 2, sec. 1.

mill company, which was chartered in 1828.[51] A huge structure, three stories high on one side and five on the other, was erected to be used as a combined gristmill, sawmill, and woolen mill. No outlet existed for its products, unfortunately, and in 1834 the venture was abandoned.

The census of February, 1826, showed the population to be 760. A testimony to the awakening intellectual life of the "capital in the woods" was the founding of the Indiana Historical Society in 1830. Contract for the National Road bridge was let in 1831 and completed in 1834.

Hervey Bates, after his appointment as the first sheriff, was elected to the office at the first regular election and served for a two-year term; but he preferred business and declined re-election. He became the first president of the branch of the State Bank at Indianapolis, held the position for ten years, and later helped promote the first insurance company, the first hotel company, the first railroad—from Indianapolis to Madison, and the first gas and coke company. In the early '50's he built the Bates House, a hotel on the northwest corner of Washington and Illinois Streets, from the balcony of which President Lincoln spoke in 1861 on the way to his inauguration.[52]

Before 1832 there was no municipal government in Indianapolis. County officials enforced order on the basis of the state laws. In that year, under an act of 1831 as amended in 1832, granting "inhabitants of any town who wish to become incorporated, for the better regulation of their internal police," the right to organize upon petition of two-thirds of the voters,[53] a town meeting was called on September 1, for that purpose. The amended act was adopted as the town's charter by a majority of the voters and five trustees were elected with power to pass by-laws and ordinances. This town government lasted four years. On February 5, 1836, the general assembly granted to the capital a special charter under the name of "Trustees of the town of Indianapolis."[54] Finally, the general assembly granted the corporation a new charter, enacted on January 26, 1847, under the name of "The City of Indianapolis," with a mayor and a city council.[55]

In its first year as a city, the population was estimated at 6,000. Washington Street was still full of stumps. All the streets were full of mud in wet weather and dust in dry weather. There were patches of sidewalk of bricks or of planks. The first railroad in Indiana—chartered in 1832—running from Madison to Lafayette, reached Indianapolis in 1847, and the first telegraph line was constructed in 1848 from Indianapolis to Dayton. Work was begun on the first street railway in 1863; the first line was on Illinois Street. The mayor opened the line by driving a car over it in 1864.

Later Developments

Formed and developed as the location of the state capital, Marion County has many state agencies and institutions within her borders (only the chief ones are mentioned here). Indiana University is rep-

[51] Acts 1827-28, ch. 32, sec. 1.

[52] Sulgrove, *op. cit.*, 35-36.

[53] Rev. Laws, 1831, ch. 105, secs. 1-3, 5, 7-9.

[54] Acts 1835-36 (local), ch. 6.

[55] Acts 1837-38 (local), ch. 4, sec. 1. Acts 1846-47 (local), ch. 21.

resented by the school of medicine, the school of dentistry, the training school for nurses, the law school, and the extension division, as well as a series of hospitals—the Robert W. Long Hospital, the William H. Coleman Hospital for Women, and the James Whitcomb Riley Hospital for Children. The state schools for the blind and the deaf, the women's prison, and the central hospital for the insane, are all at Indianapolis, and the girls' school (reformatory) is at Clermont, west of the city. The state library faces the statehouse square. In the northeastern part of the city are the State Fairgrounds, covering 214 acres. The state offices have long since outgrown the statehouse, as the needs of government have multiplied its functions, and are scattered in various quarters in the downtown area.

Marion County also maintains a large number of institutions: The juvenile detention home in downtown Indianapolis; the children's home on the east side, the colored orphans' home in the northeastern part, the poor farm on the west side of the city; the Sunnyside Tuberculosis Hospital at Oaklandon, northeast of the city; and the law library in the courthouse, jointly with the Indianapolis Bar Association.

The county formerly had other institutions. The county library was established in 1844, and was discontinued in 1931. The books and records were transferred to the Indiana Historical Society. The insane asylum at Julietta is the only county institution of its kind in the state. Its transfer to the state was authorized in 1937.[56]

From its first settlement, according to its original plan, Marion County has been influenced by the presence of the city. The past hundred years have seen it gradually grow into an urban center, as the city extended its limits to follow the expanding population. Indianapolis extends into five of the nine townships and occupies nearly the whole of Center Township. The surrounding farm region is chiefly dependent for its markets on the city.

The chief source of income in the county is manufacturing, and that industry also gives employment to the greatest number of persons. Approximately 60,000 workers are engaged in manufacturing hundreds of products of both heavy and light industry. There are 268 concerns employing 25 or more workers in the county. Their products range all the way from structural steel, meats and drugs, and airplane and automobile motors to floral baskets, mayonnaise, and beer.

The chief source of agricultural income in the county is truck farming, followed in order by dairying, livestock raising, and poultry raising. Hothouse farming is well developed near Indianapolis; 92 acres under glass are mostly given to the growing of lettuce and tomatoes.

Sand, gravel, and natural gas are the only mineral resources to be found in the county. There are 26 gravel pits in operation near Indianapolis. Natural gas is now being produced at Oaklandon and used locally.

The population of Marion County has been increasing rapidly. In

[56] Rev. Laws, 1831, ch. 59, secs. 1-11. Acts 1931; Burns 41-520; Baldwin 10331. Acts 1901, ch. 195, sec. 1. Acts 1937, ch. 111, secs. 1-3.

1890 there were 141,156 persons living in the county; by 1930 the number had increased to 422,666. In that year the native whites composed 85.8% of the total population; the foreign-born whites, 3.6%; and the Negroes, 10.6%. The rural population was 54,953. Indianapolis had a population in 1930 of 364,161; 6.3% of which were foreign-born whites and 12.1%, Negroes.[57]

The central position of Marion County is indicated by the large number of highways and railroads that run through Indianapolis. The National Road and many state highways, including the Michigan Road, begun in 1828,[58] pass through it. Sixteen divisions of six railroad systems terminate at Indianapolis. Situated centrally as she is, her identity merged with the capital city, Marion County might well call her own the state slogan of Indiana—"The Crossroads of America."[59]

[57] *Twelfth Census of the United States . . . 1900*, vol. 1. *Population*, part 1, p. xlii. *Fifteenth Census of the United States: 1930. Abstract*, 28, 56, 434. *Population*, vol. 3, part 1, p. 706.

[58] Acts 1827-28, ch. 70.

[59] Acts 1937, ch. 312 (Concurrent Resolution), sec. 1.

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Marion County, with its county seat at Indianapolis, is a subdivision of the State of Indiana for administrative, judicial, and political purposes. It is a creature of the general assembly and possesses only such powers of local government as are conferred by acts of the general assembly or are incident and necessary to carry out the provisions thereof. Created by the state, the county is subject to legislative control at any time and its powers may be amplified or diminished without its consent.

Marion County was organized by an act of the general assembly, effective April 1, 1822.[1] The present government, as it functions today, is the result of its development under the original Constitution of 1816, the present Constitution adopted in 1851 and as since amended, and more than a century of legislative action.

The county system of government is an inheritance from England and the American Colonies, whence pioneers in Indiana brought their customs and laws. Its beginnings in Indiana are found in the Ordinance of 1787, enacted by Congress, for the government of the Territory of the United States Northwest of the River Ohio; in the Act of Congress, of May 7, 1800, creating Indiana Territory; and in the laws of the Northwest Territory, 1788-1800, and of Indiana Territory, 1801-15, enacted by the territorial legislatures.

The Northwest Territory

The Ordinance of 1787 authorized the creation of counties by proclamation of the Governor until the organization of the territorial general assembly, and thereafter by the territorial assembly;[2] which

[1] Acts 1821-22, ch. 72, secs. 1-2.

[2] Laws N. W. Terr., Ordinance of 1787, p. 125.

authority was continued by the act of 1800.[3] The Governor of the Northwest Territory laid out Knox County in 1790, embracing all of what is now Indiana (as well as parts of Ohio, Michigan, Illinois, and Wisconsin),[4] which remained the only county in Indiana's governmental background until 1801. From then on, other counties were created in Indiana Territory so that there were fifteen counties organized prior to statehood.[5]

The laws of Northwest Territory provided for courts and administrative offices: General court of quarter sessions of peace,[6] county court of common pleas,[7] court of probate,[8] commissioners,[9] sheriff,[10] coroner,[11] treasurer,[12] recorder,[13] circuit court,[14] clerk of the county courts,[15] and tax collector.[16] All were appointed by the Governor, except the judges of the circuit court—the judges of the general court (the territorial supreme court) ex officio—who were appointed by the President of the United States,[17] and the commissioners and tax collector who were appointed by the general court of quarter sessions.

Indiana Territory

The officers were continued under Indiana Territory, and to this list were added by legislative authority (the governor and judges until 1805, and thereafter the territorial assembly): Assessor, in 1805;[18]—called lister, after 1811;[19] prosecuting attorney, in 1810;[20] and—in new

[3] Kettleborough, Charles, *Constitution Making in Indiana*, 1:42 (Act of May 7, 1800, sec. 2).

[4] Smith, William Henry, editor, *St. Clair Papers*, 2:166n. Pence, George, and Armstrong, Nellie C., *Indiana Boundaries*, 21, 514-15.

[5] Pence and Armstrong, *op. cit.*, 27. See also text and maps therein under the respective county names, with citations to the acts of organization.

[6] Laws N. W. Terr., Acts 1788, ch. 2, p. 4.

[7] *Ibid.*, 7.

[8] *Ibid.*, ch. 3, p. 9.

[9] *Ibid.*, Acts 1795, p. 201, secs. 1-2. By an act of 1790 (ch. 16, secs. 1-4), the court of general quarter sessions of the peace acted as a fiscal and administrative board. The commissioners appointed by the court of common pleas, under an act of 1792 (ch. 3, sec. 2) to apportion taxes may be considered as foreshadowing the county commissioners, although the court of common pleas (ch. 3, secs. 3-9) exercised the other duties that later were conferred on the board of commissioners. An act of 1799 (ch. 32, sec. 25) repealed the act of 1795, but continued the board of commissioners (sec. 8).

[10] *Ibid.*, Acts 1788, ch. 2, p. 8.

[11] *Ibid.*, Acts 1788, ch. 9, p. 24.

[12] *Ibid.*, Acts 1792, ch. 2, sec. 6.

[13] *Ibid.*, Acts 1795, p. 197, sec. 1.

[14] *Ibid.*, Acts 1795, pp. 156-57, secs. 8-9. This circuit court is not a forerunner of the later circuit court of Indiana Territory; it was held in the county by the judges of the general court, which was the territorial supreme court.

[15] *Ibid.*, Ordinance of 1787, p. 125. Carter, Clarence E., editor, *Territorial papers of the United States*, 3:316-17, 344.

[16] Laws N. W. Terr., Acts 1799, ch. 32, sec. 17.

[17] Laws N. W. Terr., Ordinance of 1787, p. 125; Acts 1795, pp. 156-57, sec. 9. *Laws Ind. Terr., 1809-1816*, p. 98 (Act to provide for the government of the Territory Northwest of the River Ohio).

[18] Laws Ind. Terr., Acts 1805, ch. 32, sec. 1.

[19] *Ibid.*, Acts 1811, ch. 35, secs. 1, 17. The lister took the place of assessor in 1811, continuing until 1813, when township commissioners were appointed to list property (Acts 1813, ch. 8, sec. 1).

[20] *Ibid.*, Acts 1810, ch. 10, sec. 5.

counties—county agent, in 1813, to receive conveyances of lands for the use of the county and to sell them as directed by the court of common pleas.[21]

In 1803 a new county tax levy law repealed the act of 1799 providing for the appointment of commissioners and their powers devolved upon the court of quarter sessions.[22] In 1805 a newly established court of common pleas was invested with the duties of the court of quarter sessions, the former court of common pleas, and the orphans' court, all of which courts were abolished.[23]

An effort was made by the territorial assembly, in an act of December 31, 1813, to create a new circuit court—combining the jurisdiction of this later court of common pleas and the existing circuit court, which were abolished—to consist of a president judge who was a member of the general court, and three associate judges, appointed by the Governor, for the county.[24] The associate judges were to transact all county business, thus taking over the commissioners' duties which the court of common pleas had exercised since 1805.[25] This new circuit court never functioned, however, for the judges of the general court (who were appointed by the President of the United States) thought the law unconstitutional on the ground that the judges derived their jurisdiction and powers from the Federal Government and refused to hold the court as established by territorial authority.[26]

The territorial assembly, at a specially called session in August, 1814, created a new circuit court to be held in each county. The territory was divided into three circuits and the court consisted of three judges appointed by the Governor to hold office during good behavior—a circuit judge, who was a citizen of the United States, resident in the territory and had practiced law for at least three years, and two associate judges, residents of the county.[27] This circuit court superseded both the old circuit court and the court of common pleas.[28]

From 1803 when the territorial assembly returned to the county court its former powers over county business, the sheriff as an officer of the court was required to collect the taxes,[29] thus doing away with the tax collector as a separate officer. The office of treasurer was abolished in 1804 and his duties transferred to the sheriff;[30] re-established in 1811,[31] and again abolished in 1813 and the sheriff acted as the treasurer.[32] The sheriff, too, under an act of 1803,[33] was required to receive lists of property handed in by taxpayers—after the appoint-

[21] *Ibid.*, Acts 1813, ch. 10, sec. 2.

[22] *Ibid.*, Acts 1803, ch. 7, secs. 9-12, 14, 17, 20, 23.

[23] *Ibid.*, Acts 1805, ch. 18, sec. 1.

[24] *Ibid.*, Acts 1813-14, ch. 29, secs. 1-4.

[25] *Ibid.*, Acts 1813-14, ch. 29, secs. 2-4; Acts 1814, ch. 13, sec. 3.

[26] Monks, Leander J., *et al.*, *Courts and Lawyers of Indiana*, 47-49. *Laws Ind. Terr., 1809-1816*, pp. 66n, 801-2.

[27] Laws Ind. Terr., Acts 1814, ch. 2, secs. 1, 2, 4.

[28] *Ibid.*, ch. 3, secs. 1, 3.

[29] *Ibid.*, Acts 1803, ch. 7, sec. 8.

[30] *Ibid.*, Acts 1803, ch. 7, sec. 22.

[31] *Ibid.*, Acts 1811, ch. 37, sec. 4.

[32] *Ibid.*, Acts 1813, ch. 8, secs. 25-26.

[33] *Ibid.*, Acts 1803, ch. 7, sec. 2.

ment of an assessor in 1805, lands were excepted[34]—until 1811, when he was declared ineligible to appointment as lister.[35]

All officers were appointed by the Governor, except the judges of the circuit court, 1800-1813, who were appointed by the President of the United States, as noted above;[36] and the assessor, lister, tax collector (until 1803), and prosecuting attorney (after 1813), who were appointed by the court—quarter sessions, 1800-1805; common pleas, 1805-13; circuit, 1813-16.[37]

This was the county government structure on the statute books, but it does not mean that the statutes were actually followed out during this early period. "The law of 1805 was punctually observed in not a single county," states one historian,[38] and in some counties the court failed to appoint important officials such as assessor and tax collector.[39] In these laws, however, were laid the foundations of the system under which Marion County, later to be located in the wilderness of the New Purchase, was organized and is governed today.

The First State Constitution, 1816

In the year 1816 Indiana was admitted to the Union. The first constitution provided for the election in each county of a clerk of the circuit court,[40] recorder,[41] sheriff, and coroner.[42] The offices of clerk and recorder were often held by the same person. All territorial laws, not inconsistent with the constitution, continued in force until they expired or were repealed;[43] therefore, the governmental organization remained as it had been until it was changed by legislative act.

The general assembly, in 1817, established the board of commissioners, to transact county business, consisting of three members, elected by the voters of the county.[44] It also provided, in 1817, for a treasurer, appointed by the board of commissioners;[45] and, in 1818, a surveyor, appointed and commissioned by the Governor.[46]

The state circuit court was the sole court of original general jurisdiction,[47] and was essentially the same as the circuit court established in 1814. The president judge was elected by joint ballot of both houses of the general assembly and there were only two associate judges, elected by the voters of the county.[48] Both courts tried criminal and civil causes, including probate matters.[49]

[34] Laws Ind. Terr., Acts 1805, ch. 32, secs. 3, 5, 27.

[35] *Ibid.*, Acts 1811, ch. 35, sec. 1.

[36] *Ibid.*, 1809-1816, p. 99 (Act to divide the Territory of the United States northwest of the Ohio, into separate governments). See also note 17 above.

[37] For appointing power, see laws previously cited establishing each office.

[38] Philbrick, Francis S., editor, *Laws Ind. Terr., 1801-1809*, in his Introduction, cxvi.

[39] Laws Ind. Terr., Acts 1806, ch. 1, sec. 5.

[40] Const. 1816, art. 5, sec. 8.

[41] *Ibid.*, art. 11, sec. 10.

[42] *Ibid.*, art. 4, sec. 25.

[43] *Ibid.*, art. 12, sec. 4.

[44] Acts 1816-17, ch. 15, sec. 1.

[45] *Ibid.*, ch. 17, secs. 1-2.

[46] Acts 1817-18 (general), ch. 30, sec. 1.

[47] Acts 1816-17, ch. 2, sec. 5; ch. 3, sec. 2.

[48] Const. 1816, art. 5, secs. 3, 7. Acts 1816-17, ch. 2, sec. 2.

[49] Acts 1816-17, ch. 3, secs. 2-3.

Upon its organization in 1822, the government of Marion County followed the form described in outline above—with all the officers as provided for in the first constitution and early laws. Except for brief periods in the county's history, 1824-31 and 1835-37, during which the board of justices supplanted it,[50] the board of commissioners constituted the board for doing county business.[51] In 1827, township assessors were substituted for the county assessor.[52]

In 1826 the general assembly took over the election of the prosecuting attorney of the circuit;[53] in 1829, established the office of school commissioner, a financial agent in control of school lands and funds, elected by the voters;[54] and in 1831 made the surveyor an appointee of the board of commissioners.[55]

Further increases in the number of county agencies were made in 1841. The office of auditor was created[56] to relieve the clerk of many duties which had been his since the earlier territorial days when the circuit court had performed the duties of a county board. Later, as clerk of the board of commissioners,[57] he prepared tax duplicates, and handled many other matters relating to taxation and county finances.[58] Other officers and boards inaugurated were assessor[59] and appraiser;[60] a board of equalization, composed of the board of commissioners, auditor, and assessor, to equalize tax assessments on real and personal property;[61] and a special board of equalization, composed of the board of commissioners, auditor, and appraiser, to equalize valuations of lands made by the appraiser.[62] Also in 1841, the treasurer became an elective officer.[63]

This system remained the administrative system of Marion County until the Constitution of 1851.

The Present State Constitution, 1851

As the state grew, there was much dissatisfaction with the Constitution of 1816, but repeated attempts to change it did not succeed until 1850, when a constitutional convention was called which framed a new constitution.[64] This constitution was submitted to the qualified

[50] Acts 1834-35 (general), ch. 49, sec. 1. Acts 1836-37 (general), ch. 19, sec. 1.

[51] Acts 1816-17, ch. 15, sec. 1. Acts 1817-18 (special), ch. 3, sec. 1. Rev. Laws 1824, ch. 15, secs. 1, 11, 16-17. Rev. Laws 1831, ch. 20, secs. 1, 12, 14. Acts 1834-35, ch. 49, sec. 1. Acts 1836-37 (general), ch. 19, sec. 1.

[52] Commissioners' Record, 1:250.

[53] Acts 1826-27, ch. 17, sec. 1.

[54] Acts 1828-29, ch. 84, sec. 8. Called commissioner of school lands, Commissioners' Record, 2:238.

[55] Rev. Laws 1831, ch. 102, sec. 1.

[56] Acts 1840-41 (general), ch. 2, sec. 1.

[57] Rev. Laws 1831, ch. 20, sec. 6. Acts 1840-41 (general), ch. 2, sec. 8.

[58] Rev. Laws 1831, ch. 15, sec. 11; ch. 81, secs. 5-9, 13-14, 16 *et passim*.

[59] Acts 1840-41 (general), ch. 3, sec. 1.

[60] *Ibid.*, ch. 1, sec. 1.

[61] *Ibid.*, sec. 18.

[62] *Ibid.*, sec. 13.

[63] *Ibid.*, ch. 4, sec. 1.

[64] Acts 1849-50 (general), ch. 21, sec. 9.

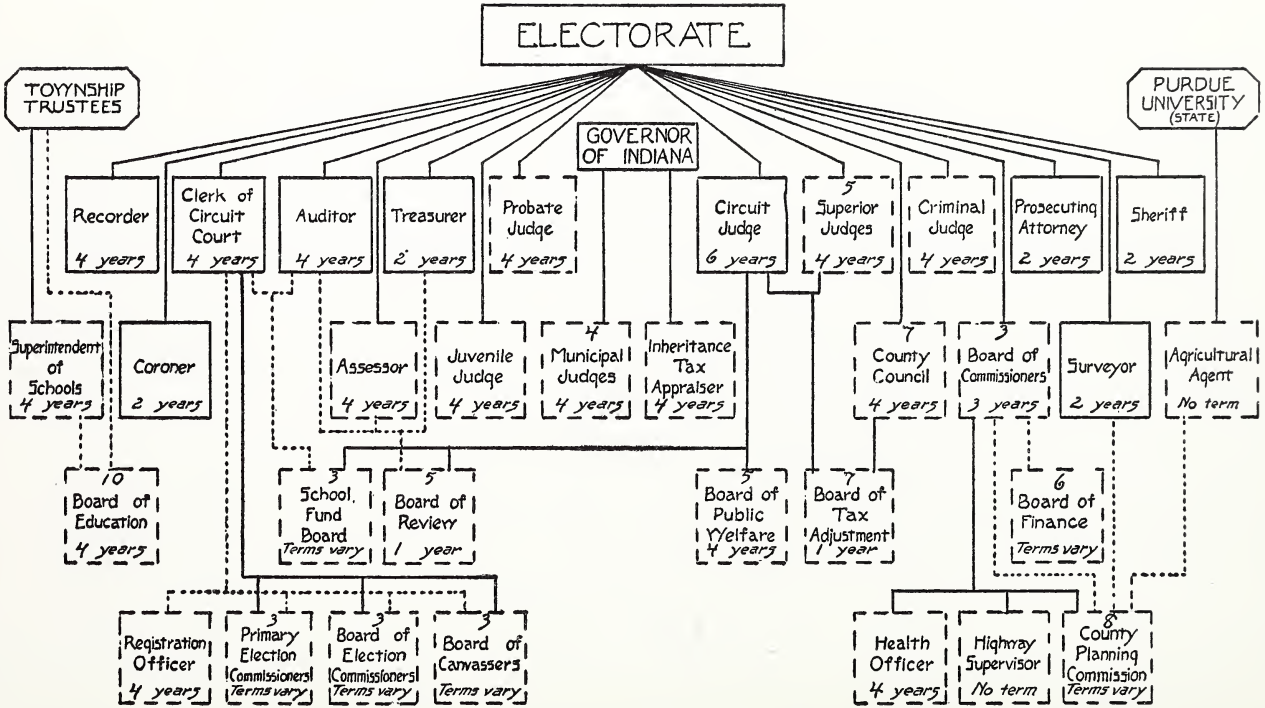


CHART OF MARION COUNTY GOVERNMENTAL ORGANIZATION, 1938

voters of the state and adopted in 1851, and, with amendments, remains the Constitution of Indiana.[65]

The first session of the general assembly, after the adoption of the new constitution, enacted a general code known as the Revised Statutes of 1852 and, with certain exceptions,[66] repealed all previous laws, thereby abolishing the assessor and school commissioner, substituting the appraiser for the assessor on the board of equalization, and dividing the duties of the school commissioner between the auditor and the treasurer.[67]

Each county is a political subdivision of the state and has an individual governmental organization. Although the Constitution of 1851 forbids special legislation,[68] and the general outline of the organization of county government remains the same, the general assembly has provided the necessary variations to take care of local needs and conditions in the several counties. These variations lie chiefly in the number of officers and courts provided for counties within classifications based upon population. Urban and rural areas obviously cannot be governed by the same number of officers. Each county has the constitutional officers, but the statutory officers vary in number, powers, and duties. The latter officers may be compulsory in all counties, or they may be optional and therefore established in only a few instances; others are authorized in only certain classes of counties, though the class may include only one county.

Indiana stands alone among the states of the Union in having a dual system of county governing boards,[69] since the establishment in each county of a county council in 1899.[70] Each county is governed by a board of commissioners and a county council. The duties of these agencies, with technical distinction, are enumerated below.

From the beginning of the present century a tendency toward centralization of power in the hands of state authorities has taken from county officials many of their powers and duties and has greatly lessened the scope of those remaining. In older fields of finance, roads, and education, the state's supervision has greatly increased, and the creation of newer state departments such as police, food and fire inspection, and public welfare, has caused heavy removal of local responsibility and control.

Present Administration of Marion County

The Constitution of 1851 reorganized the governmental structure, enlarging the number of constitutional officers to be elected by the voters of the county, as follows:[71]

[65] Kettleborough, *op. cit.*, 1:222.

[66] Laws dealing with twenty subjects were excepted from the repeal, but they did not affect the governmental organization of the county.

[67] 1 Rev. Stat. 1852, ch. 35, sec. 2; ch. 92, sec. 1; ch. 98, sec. 133.

[68] Const., art. 4, sec. 22.

[69] Snider, Clyde Frank, *County and Township Government in Indiana*, 4.

[70] Acts 1899; Burns 26-501; Baldwin 5365.

[71] Const., art. 6, sec. 2. For citations, see the legal status essays of these offices in Part B of this Inventory.

Clerk of the circuit court, who keeps all the records of the proceedings and business of the circuit court, and also performs numerous duties of administrative character.

Recorder, who makes and preserves a public record of all legal documents, both official and private, as may be prescribed by law.

Sheriff, who is conservator of the peace, serves summonses, and executes orders of the courts and county boards.

Coroner, who holds inquests in all cases of death by violence or accident or of suspicious circumstances.

Treasurer, who receives and disburses all county moneys including the collection of taxes.

Auditor, who is the financial agent of the county and compiles the county budget estimates, prepares the tax duplicates, and serves as clerk and member of several county boards.

Surveyor, who has charge of all surveying and civil engineering work of the county, including the maintenance of drainage systems.

The constitution empowers the general assembly to provide for the election or appointment of such other officers as may become necessary,[72] and to confer powers of a local, administrative character on boards doing county business.[73] All county officers must be electors of the county at the time of election or appointment,[74] reside within the county during their term of office, and keep their respective offices therein.[75] Tenure of statutory officers may be declared by law and, if not, is at the pleasure of the appointing authority, but it cannot be longer than four years.[76]

Under this authority the general assembly has from time to time established the following statutory officers and boards:

Board of commissioners, the leading governing body of the county, often called the "county board," re-established in 1852. It consists of three members elected by popular vote. The board furnishes and maintains county buildings and grounds, administers the financial transactions of the county, and is responsible for the maintenance of county highways.[77]

County council, another governing body created in 1899,[78] to control the finances of county government. This council consists of seven members, elected by popular vote. The council has power to fix the tax rate for county purposes and for all purposes where the rate is not fixed by law and is required to be uniform throughout the county, and to adopt the county budget; the exclusive right to make appropriations from the county treasury; and the exclusive power to authorize the borrowing of money and the issuing of bonds.[79]

[72] Const., art. 6, sec. 3.

[73] *Ibid.*, sec. 10.

[74] *Ibid.*, art. 6, sec. 4.

[75] *Ibid.*, sec. 6.

[76] *Ibid.*, art. 15, sec. 2.

[77] 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215. 1 Rev. Stat. 1852, Acts 1935; Burns, 1937 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1919; Burns 36-301; Baldwin 8859.

[78] Acts 1889; Burns 26-501; Baldwin 5365.

[79] Acts 1899; Burns 26-515, 26-520; Baldwin 5379, 5374. Acts 1889, 1921, 1929; Burns 26-532; Baldwin 5396.

Superintendent of schools, in 1873,[80] who has general superintendence of all schools of the county outside of incorporated cities and towns.[81] Elected by the township trustees,[82] he is ex officio a member and president of the county board of education.[83]

Board of education, in 1873,[84] consisting, since an amendment of 1877, of the superintendent of schools, township trustees, and the chairman of school trustees of each city and town of the county. The board is charged with the maintenance of the schools and school property and purchases school supplies.[85]

Assessor, in 1891,[86] who oversees the assessment of real and personal property,[87] and assesses omitted property. He is elected by the voters of the county,[88] and is ex officio a member and president of the board of review.[89]

Board of review, in 1891, whose members are the assessor, auditor, and treasurer,[90] and, by an amendment of 1919, two freeholders of opposite political parties, appointed by the judge of the circuit court.[91] This board equalizes tax assessments as between townships or other taxing units and between individual property owners.[92] This board replaced the board of equalization.

Board of finance, in 1907, consisting of the board of commissioners, with the auditor as secretary.[93] This board has the custody of county funds and selects the depositories.[94]

Agricultural agent, in 1913, who, under the supervision of Purdue University, conducts farmers' institutes and other movements for the advancement of agriculture and country life. He is appointed by the director of agricultural extension service of Purdue University, subject to the approval of the state board known as the county agricultural agent board.[95]

Inheritance tax appraiser, in 1915, who appraises each resident decedent's estate that may be subject to the inheritance tax. He is appointed by the Governor.[96]

Board of tax adjustment, in 1932, consisting of seven members[97]

[80] Acts 1873, ch. 25, sec. 2.

[81] Acts 1899; Burns 28-704; Baldwin 5938.

[82] Acts 1899, 1911, 1923; Burns 28-702; Baldwin 5931.

[83] Acts 1873, 1877; Burns 28-801; Baldwin 5983.

[84] Acts 1873, ch. 25, sec. 8.

[85] Acts 1873, 1877; Burns 28-801; Baldwin 5983.

[86] Acts 1891, ch. 99, sec. 112.

[87] Acts 1919; Burns 64-1102; Baldwin 15698.

[88] Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

[89] Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

[90] Acts 1891; ch. 99, sec. 114.

[91] Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

[92] Acts 1919; Burns 64-1205; Baldwin 15704.

[93] Acts 1907, ch. 222, sec. 6. Acts 1937; Burns, 1937 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

[94] Acts 1937; Burns, 1937 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

[95] Acts 1913, 1923, 1927, 1937; Burns, 1937 suppl., 28-4911; Baldwin, 1937 suppl., 6457.

[96] Acts 1915, ch. 116, sec. 1. Acts 1919, 1921; Burns 64-1101; Baldwin 15696. Acts 1931, 1933; Burns 6-2408; Baldwin 15946.

[97] Acts 1932 (Spec. Sess.), ch. 10, sec. 4.

who, by an amendment of 1937, are: One member of the county council, chosen by the council; the mayor of Indianapolis, the largest city in the county, or any public official of any city in the county, appointed by him; one member of the board of school trustees of Indianapolis, selected by such board; and four freeholders of the county selected annually by a majority vote of the circuit judge and the judges of the superior court. The board examines the tax levy and the corresponding items of the budget, and adjusts the tax rates so that they shall not exceed, in any municipal corporation, the total aggregate tax rate prescribed by law.[98]

Highway supervisor, in 1933, who supervises, under the direction of the board of commissioners, the repair and maintenance of all county highways. The board of commissioners makes the appointment and may appoint the surveyor as highway supervisor.[99] The board of commissioners of Marion County appointed the surveyor as highway supervisor, until January 1, 1938, when a separate highway supervisor was appointed.[100]

County planning commission, in 1935, consisting of eight members —one member of the board of county commissioners, designated by the board; the surveyor; the agricultural agent; one member of the city plan commission of Indianapolis, selected by the city plan commission; and four other members, appointed by the board of county commissioners. The commission is to promote county planning—adopt a master plan for the county, prepare and keep up-to-date a long-term development program of all major county improvement projects and public works, cooperate with Federal, state, and local agencies and co-ordinate all plans for the conservation, utilization, and development of the resources of the county.[101]

School fund board, in 1935, consisting of three members—the auditor and the clerk of the circuit court, ex officio, and one member appointed by the judge of the circuit court. The board approves all loans from the common school and the congressional township school funds.[102]

Department of public welfare, in 1936,[103] comprising the board of public welfare, consisting of five members appointed by the judge of the circuit court, and the director of public welfare, appointed by the board.[104] The department administers the provisions and benefits of the public welfare act.[105]

Health officer, in 1909, re-established in 1938, who enforces the health

[98] Acts 1937; Burns, 1937 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

[99] Acts 1933; Burns 36-1101, 36-1110; Baldwin 8699, 8708.

[100] Commissioners' Record, 65:160.

[101] Acts 1935; Burns, 1937 suppl., 26-2301, 26-2303 to 26-2306, 26-2308, 26-2309; Baldwin, 1935 suppl., 5205-1, 5205-3 to 5205-6, 5205-8, 5205-9.

[102] Acts 1865, 1935; Burns, 1937 suppl., 28-209; Baldwin, 1935 suppl., 6558.

[103] Acts 1936 (Spec. Sess.); Burns, 1937 suppl., 52-1117; Baldwin, 1937 suppl., 14078-18.

[104] Acts 1936 (Spec. Sess.), 1937; Burns, 1937 suppl., 52-1118, 52-1119; Baldwin, 1937 suppl., 14078-19, 14078-20.

[105] Acts 1936 (Spec. Sess.); Burns, 1937 suppl., 52-1120; Baldwin, 1937 suppl., 14078-21.

laws; collects, records, and reports vital statistics; and issues burial permits. He is appointed by the board of commissioners.[106]

Registration officer, in 1933, who is the clerk of the circuit court ex officio. He conducts the registration of voters.[107]

Board of election commissioners, in 1889, consisting of the clerk of the circuit court and two persons appointed by him of opposite political parties. The board prepares, prints, and distributes ballots for general elections.[108]

Board of canvassers, in 1905, consisting of the election commissioners.[109] The board canvasses, tabulates, and compiles the election returns of the county[110] and certifies the candidates elected.[111]

Board of primary election commissioners, in 1915, consisting of the clerk of the circuit court and two persons appointed by him of opposite political parties. The board prepares, prints, and distributes ballots for primary elections.[112]

Judicial System

The judicial system of Marion County is prescribed by the constitution and subsequent acts of the general assembly. The constitution vests the judicial power, so far as counties are concerned, in the circuit court and such other courts as the general assembly may establish.[113] It further provides for the election by popular vote of a clerk of the circuit court in the county[114] and a prosecuting attorney[115] who serves only in the criminal court and municipal courts, except for the civil duties prescribed by law in other courts. In Marion County the county and circuit are coterminous for the circuit court; the county is likewise the district in which the other courts operate.[116] All judges are elected by the voters of the county, with the exception of those of the municipal courts (who are appointed by the Governor); and all judges, elected or appointed, are commissioned by the Governor.[117]

The "other courts" provision in the constitution originally read "inferior courts" (changed in 1881).[118] The only judiciary of minor jurisdiction in Marion County are the justices of the peace, elected by the voters. The number of justices in each township is regulated by the board of commissioners and cannot exceed two, except that in those townships located in whole or in part within the corporate limits of In-

[106] Acts 1891, 1909; Burns 35-111; Baldwin 8405. Acts 1907, 1913; Burns 35-115; Baldwin 8398. Acts 1909, ch. 144, secs. 4, 6. Acts 1935; Burns, 1937 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

[107] Acts 1933, 1935; Burns, 1937 suppl., 29-306; Baldwin, 1935 suppl., 7304.

[108] Acts 1889; Burns 29-1002; Baldwin 7109.

[109] Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

[110] Acts 1905; Burns 29-1404; Baldwin 7380.

[111] Acts 1905; Burns 29-1405; Baldwin 7381.

[112] Acts 1907, ch. 282, secs. 1, 13. Acts 1915, 1917; Burns 29-504; Baldwin 7197.

[113] Const., art. 7, secs. 1, 8.

[114] *Ibid.*, art. 6, sec. 2.

[115] *Ibid.*, art. 7, sec. 11.

[116] For citations, see footnotes under proper office or court in Part B of this Inventory.

[117] Const., art. 7, sec. 9. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095. See also footnotes under courts enumerated below.

[118] *Constitution of the State of Indiana*, issued by the Legislative Bureau, July, 1937, p. 29, note 38.

dianapolis, the number of justices is limited to one in each of such townships.[119] The civil jurisdiction of the justice of the peace is limited to his township, but the criminal jurisdiction is co-extensive with his county.[120] Each justice has, attached to his court, one constable elected by the voters and special constables appointed by himself.[121] The justices must pay all the fines which they collect to the county treasurer, and report the same to the auditor.[122] Both justices and constables must file their bonds with the clerk of the circuit court.[123]

The growth of the county containing the largest city in the state as well as the capital of Indiana—Indianapolis—has necessitated a judicial system larger and more specialized than that of any other county. In order to take care of the legal business of its citizens and to enforce and protect their legal rights, to relieve the circuit court of overcrowded dockets, and thus to provide quick and adequate dispensing of justice,[124] numerous courts have been established in Marion County from time to time, each of which occupies a particular field of limited jurisdiction. With one exception, these courts are co-ordinate in powers with the circuit court, which in most counties embraces all functions of original general jurisdiction. As these courts were organized, therefore, they have circumscribed and supplemented the jurisdiction of the circuit court as it was originally in the county and as it is elsewhere.

Marion County has six courts and thirteen judges, each judge presiding over a courtroom:

Circuit court, consisting of one judge.[125] The Constitution of 1851, as had the Constitution of 1816, authorized and directed that the state be divided into judicial circuits.[126] Marion County constitutes, since 1889, the nineteenth circuit,[127] and the court is styled the "Marion Circuit Court."[128] It has original concurrent jurisdiction with the superior court of Marion County in all civil cases, except bastardy where exclusive jurisdiction is conferred by law upon justices of the peace; and except slander;[129] original concurrent jurisdiction with the superior and probate courts of Marion County in certain allied probate matters;[130] exclusive jurisdiction in cases of slander;[131] jurisdiction in all other causes, matters,

[119] Acts 1913; Burns 5-101; Baldwin 1828. Acts 1925; Burns 5-103; Baldwin 1836.

[120] 2 Rev. Stat. 1852; Burns 5-201; Baldwin 1857. Acts 1905; Burns 9-715; Baldwin 2084.

[121] 2 Rev. Stat. 1852; Burns 5-601; Baldwin 2063. 2 Rev. Stat. 1852, Acts 1889; Burns 49-3401; Baldwin 16116. Acts 1905; Burns 9-710; Baldwin 2081.

[122] 2 Rev. Stat. 1852; Burns 5-118, 49-3402; Baldwin 1847, 16117.

[123] Acts 1881; Burns 5-1803; Baldwin 1874.

[124] Const., art. 1, sec. 12. Acts 1881 (Spec. Sess.), 1911; Burns 2-101; Baldwin 14. Acts 1905; Burns 4-304.

[125] Const., art. 7, secs. 1, 8.

[126] *Ibid.*, sec. 9.

[127] Acts 1889, ch. 36, sec. 1.

[128] Acts 1881 (Spec. Sess.); Burns 4-302; Baldwin 1396.

[129] 2 Rev. Stat. 1852; Burns 3-601; Baldwin 847. 2 Rev. Stat. 1852, Acts 1861; Burns 5-208; Baldwin 1859. Acts 1871; Burns 4-1411; Baldwin 1604. Acts 1881 (Spec. Sess.); Burns 3-547, 4-303; Baldwin 816, 1397.

[130] Acts 1871; Burns 4-1411; Baldwin 1604. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1907, 1917; Burns 4-2910; Baldwin 1786.

[131] Acts 1873; Burns 4-328; Baldwin 1417. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

and proceedings where exclusive jurisdiction thereof is not conferred by law upon some other court, board, or officer;[132] and such appellate jurisdiction concurrent with the superior court, as is conferred by law, from justices of the peace, commissioners' court, municipal court, and other courts, boards, or officers.[133]

Criminal court, consisting of one judge. It is called legally the "Criminal Court of Marion County."[134] Created in 1865, it was re-established in 1881 as it now exists.[135] It has original exclusive jurisdiction within the county of all crimes and misdemeanors, except where jurisdiction is by law conferred on justices of the peace, and such appellate jurisdiction in criminal cases as belongs by law to the circuit court in counties having no criminal court.[136]

Superior court, consisting of five judges[137] and divided into five rooms numbered consecutively.[138] It is known legally as the "Superior Court of Marion County."[139] First created in 1871,[140] it was enlarged and constituted in its present form in 1907.[141] It has original concurrent jurisdiction with the circuit court in all civil cases, except slander, certain probate matters, or where exclusive jurisdiction is conferred by law upon justices of the peace; concurrent jurisdiction with the circuit and probate courts in all actions by or against executors and administrators; and such appellate jurisdiction, concurrent with the circuit court, as is conferred by law, from justices of the peace, commissioners' court, municipal court, and other courts, boards, and officers.[142] It has also—since Marion County contains the state capital—jurisdiction of claims against the State of Indiana.[143]

Juvenile court, consisting of one judge and two referees, one possessing the same qualifications as the judge. It is known legally as the "Juvenile Court of Marion County," and was established in 1903. It has jurisdiction in all cases relating to children, including their custody, but it does not have probate jurisdiction.[144]

Probate court, consisting of one judge.[145] It is called legally the "Probate Court of Marion County," and was established in 1907.[146] It

[132] Acts 1881 (Spec. Sess.) ; Burns 4-303 ; Baldwin 1397.

[133] Acts 1871 ; Burns 4-1411 ; Baldwin 1604. Acts 1881 (Spec. Sess.) ; Burns 4-303 ; Baldwin 1397.

[134] Acts 1881 (Spec. Sess.) ; Burns 4-2301, 4-2302 ; Baldwin 1744, 1745. Acts 1881 (Spec. Sess.), 1919 ; Burns 4-2309 ; Baldwin 1756.

[135] Acts 1865 (Spec. Sess.), ch. 45, sec. 1.

[136] Acts 1881 (Spec. Sess.) ; Burns 4-2304 ; Baldwin 1751.

[137] Acts 1871, 1877, 1879, 1907 ; Burns 4-1401 ; Baldwin 1595.

[138] Acts 1907 ; Burns 4-1402 ; Baldwin 1446.

[139] Acts 1871 ; Burns 4-1403 ; Baldwin 1596.

[140] Acts 1871, ch. 22, sec. 1.

[141] Acts 1907, ch. 22, sec. 1 ; ch. 207, sec. 1.

[142] 2 Rev. Stat. 1852 ; Burns 3-601 ; Baldwin 847. 2 Rev. Stat. 1852 ; Acts 1861 ; Burns 5-208 ; Baldwin 1859. Acts 1871 ; Burns 4-1411 ; Baldwin 1604. Acts 1881 (Spec. Sess.) ; Burns 3-547, 4-303 ; Baldwin 816, 1397.

[143] Acts 1889, 1895 ; Burns 4-1501 ; Baldwin 1617.

[144] Acts 1903, 1913, 1931, 1935, 1937 ; Burns, 1937 suppl., 9-2801 ; Baldwin, 1937 suppl., 1759.

[145] Acts 1907 ; Burns 4-2903 ; Baldwin 1779. Acts 1907, 1931 ; Burns 4-2901 ; Baldwin 1777.

[146] Acts 1907 ; Burns 4-2902 ; Baldwin 1778.

has original exclusive jurisdiction in all probate matters: Wills, guardianships, trusts, and estates. It has concurrent jurisdiction with the circuit and superior courts in allied matters: Proceedings in partition, receiverships, writs of habeas corpus, proceedings contesting wills, and complaints to construe wills and to dissolve trusts; and in all actions by and against executors, administrators, guardians, assignees, and trustees.[147]

Municipal court, consisting of four judges. It is called legally the "Municipal Court of Marion County," and was established in 1925.[148] It has limited jurisdiction similar to, but broader than, the city court of Indianapolis and the courts of the justices of the peace of the county which it replaced; original jurisdiction concurrent with the circuit and superior courts in all civil cases founded on contract or tort, involving not more than five hundred dollars; jurisdiction in possessory actions between landlord and tenant, without limited value; the same criminal jurisdiction as was vested in the city court; and jurisdiction in violations of municipal ordinances. It has no jurisdiction over real estate titles, partitions, or liens; receiverships; or divorce.[149]

Records System

The records of Marion County began with its creation in 1822. The establishment of each of the county offices and bureaus inaugurated their records which were kept in such fashion as the incumbents saw fit, following in the main the directions of the general assembly under the provisions for each respective office. In 1909, the general assembly established the state board of accounts, which formulates, prescribes, and installs systems of accounting and reporting which are uniform for every public office of the same class.[150] Under this law some of the records were combined to eliminate separation, duplication, and overlapping. The board also permits the use of bound loose-leaf records in almost all cases where the records are typed. The quality of the paper and ink and the binding and rebinding practices are left to the judgment of the board of commissioners, except that a good quality is required.

Whenever it may be necessary for the preservation of the records of any office, it is the duty of the board of commissioners to issue an order directing the officer in charge to copy and transcribe the records.[151]

In event of the loss or destruction, in whole or in part, of any of the county records, they shall be replaced, as follows: (1) The board of commissioners shall send to the Governor a certified list of such records furnished by the state, and he shall order the proper state officer to replace them. (2) Records compiled in the county shall be restored, if possible, from original documents by the proper officers, that is, the county officer in whose custody the original records were. (3) If impossible to reduplicate the old records, new records shall be made by evidence taken from parties having knowledge of the facts concerned,

[147] Acts 1907, 1917; Burns 4-2910; Baldwin 1786.
[148] Acts 1925; Burns 4-2501; Baldwin 1716.
[149] Acts 1925; Burns 4-2502; Baldwin 1717.
[150] Acts 1909; Burns 60-202, 60-224; Baldwin 13855, 13875.
[151] Acts 1877; Burns 26-634; Baldwin 5339.

by either the proper officer or a commissioner appointed by the board of commissioners for that purpose.[152]

In 1925 a law was passed permitting county officials, at their discretion, to turn over to the archives division of the state library for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books and material not in current use in their offices.[153] This law is optional and has been ineffectual. County officials are loath to part with records, even when no longer in use and in spite of lack of storage space, anticipating a possible call for them. Consequently, they have only occasionally availed themselves of this provision for permanent preservation of their old records. The recorder and other county officers, by an act of 1927, are authorized to record deeds, mortgages, and other instruments by any approved photographic process adopted by the board of commissioners.[154]

In 1937, the general assembly authorized the director of the state library, at his discretion, to make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material in any county, city, or other public office, for preservation in the state archives. All public officials must permit copies to be made of the books, records, documents, and papers in their respective offices.[155]

[152] 2 Rev. Stat. 1852, Acts 1865; Burns 57-101 to 57-124; Baldwin 1168 to 1191. Acts 1881; Burns 57-208 to 57-210; Baldwin 1165 to 1167. Acts 1893; Burns 57-125, 57-211 to 57-214; Baldwin 1197, 1192 to 1195.

[153] Acts 1925, 1937; Burns, 1937 suppl., 63-830; Baldwin, 1937 suppl., 10287.

[154] Acts 1927; Burns 49-3207; Baldwin 14667.

[155] Acts 1925, 1937; Burns, 1937 suppl., 63-830; Baldwin, 1937 suppl., 10287.

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The act of December 31, 1821, establishing Marion County, also set aside a square of ground in the center of Indianapolis—the present courthouse square—for a county courthouse and provided an appropriation of eight thousand dollars for the construction of a courthouse, which was to serve as a statehouse until a proper statehouse should be built and ready for occupancy.[1] Plans were submitted, and the contract for its construction was awarded to the successful architects, John E. Baker and James Paxton, on September 3, 1822; the contract required an expenditure of $13,996, and an additional state appropriation was necessary to cover the difference.[2] The courthouse, as completed January 7, 1825, was a brick structure of two stories, with a cupola and spire. Its frontage, facing Washington Street, was 45′; its depth, 60′; its height to the top of the second story, 45′.[3] The interior consisted of two large rooms—one on each floor—which were used jointly as courtrooms and legislative chambers, and four smaller rooms used as offices. In addition to state and county business, Federal and supreme

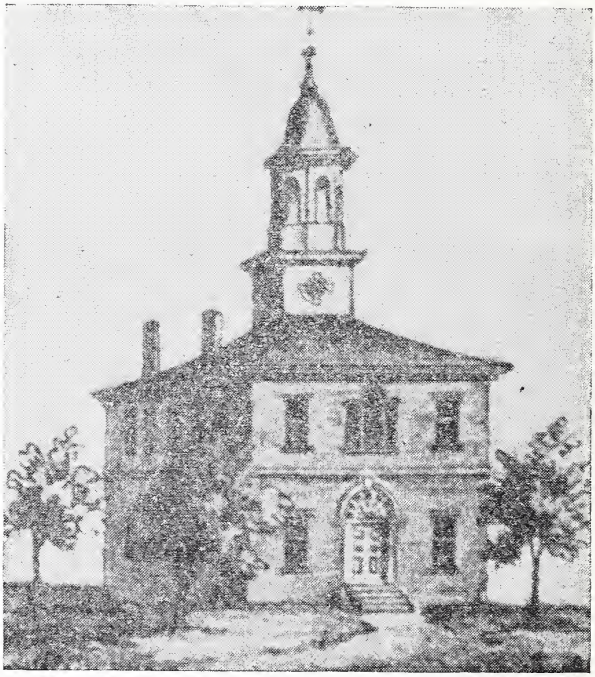
[1] Acts 1821-22, ch. 72, sec. 4.

[2] Acts 1823-24, ch. 2.

[3] Commissioners' Record, 1:45-46.

courts, religious services, and public meetings of various sorts were conducted in the building.

Virtually all county business was performed in this courthouse-statehouse-civic auditorium until September 1832, when the county offices were removed to "a good brick building, in a public part of Indianapolis," provided by the clerk of the circuit court.[4] Nothing more definite is known about this building. Thereafter, the courthouse was



FIRST MARION COUNTY COURTHOUSE
1825-1868

closed to the public, except at sessions of the legislature and the courts. The state vacated the building in December 1835.

From 1827 to 1855, a tiny building, the office of the clerk of the supreme court, stood on the west side of the square. Near it, in 1844, was constructed a county office building, 61′ by 31′ in length and width, and one story in height. Each of the three offices it contained had a fireproof vault. In 1865, its height was increased by another story.

When, in 1868, it was decided to destroy the original courthouse to make way for a new structure, a temporary court building was erected on the square north of the county offices, in the conviction that the

[4] Commissioners' Record, 1:182.

courts' actions would not be valid if court were held elsewhere than on the square.[5] The temporary courthouse, a two-story brick building, was added to in 1871, when the superior court was established; the total cost of the building and addition was $9,670. Both buildings—the county office building and the temporary courthouse—stood and were used until the completion, in 1876, of the present courthouse.

Bids for the construction of the first county jail, which was to be a two-story log building, were taken by the sheriff on May 15, 1822.[6] The bid of Noah Leverton, for $312, was accepted, and the building was completed and accepted on August 12 of the same year. The jail, located on the northwest corner of the square, had inside dimensions of 14′ by 14′. Its lower story (the "dungeon") had no door and only one iron-barred window. The entrance was on the upper floor; prisoners were taken up a ladder to the second floor and admitted through a trapdoor to the dungeon.

The jail was no match for the ingenuity of the prisoners, who pried out the lower logs of the dungeon; the grand jury, before the jail was a year old, reported its insecurity, but no action seems to have been taken by the commissioners until July 1825, when they ordered the rebuilding of the jail by constructing an outer wall 9″ from the original and filling the space between the two walls with upright logs. Thereafter the prisoners made their escapes through the roof. Accordingly, the commissioners ordered the reinforcement of the roof; this, however, was ineffectual, for by the beginning of the 1831 fall term of the circuit court, it was reported that every prisoner in the jail had escaped. The jail ended its career in the summer of 1833, when it was burned to the ground by a negro prisoner.[7]

Construction of a new jail costing twenty-five hundred dollars was ordered on January 6, 1834. This building, located on the east side of the square, was notable chiefly for its construction: it was 46′ by 20′, two stories high, and had quintuple walls—9″ brick, 10″ logs, 13″ brick, 2″ oak, and heavy sheet-iron, from the exterior to the interior in the order named.[8] The jail served satisfactorily until 1854, when it was torn down, owing to the completion of the third jail.

The third jail was located near its predecessor, at the northeast corner of the square. It was constructed of cut stone at a cost of approximately ten thousand dollars, and was fairly serviceable, though not noteworthy in any way. It was condemned in 1889, but served until the completion of the present jail in 1892.

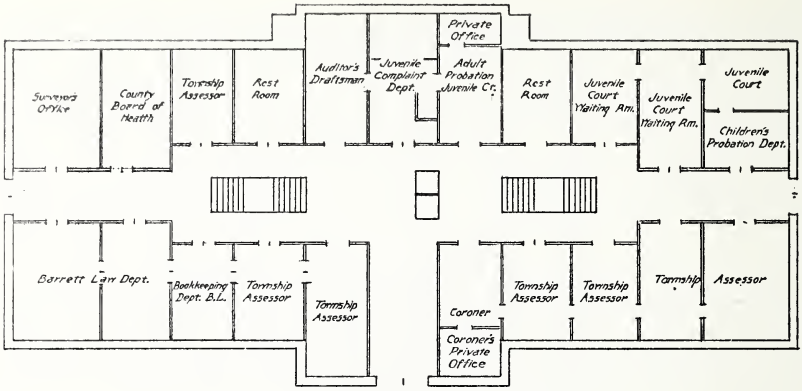
The present courthouse occupies approximately one-half of the public square bounded by Washington, Market, Delaware, and Alabama Streets. The unoccupied northern half is covered by a lawn. Construction was begun in 1876; when completed, its cost, covered largely by

[5] The organization act stated that after the courthouse should be completed " . . . all the courts in said county shall be holden in said courthouse" (Acts 1821-22, ch. 72, sec. 3) and the hazy construction of that clause seems to be the only legal basis for this conviction.

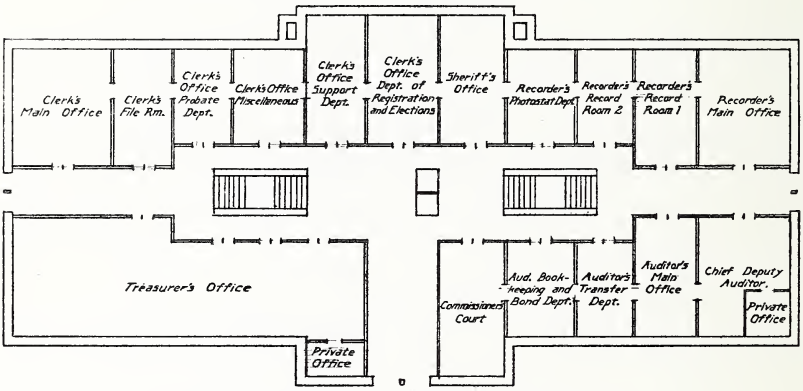
[6] Commissioners' Record, 1:37.

[7] Dunn, *Greater Indianapolis*, 1:57.

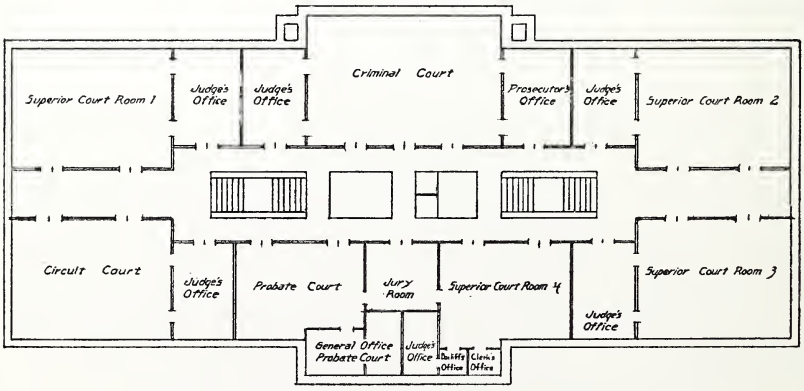
[8] *Ibid.*, 1:57-59.



BASEMENT, MARION COUNTY COURTHOUSE



FIRST FLOOR, MARION COUNTY COURTHOUSE



SECOND FLOOR, MARION COUNTY COURTHOUSE

bond issues, was something in excess of $1,750,000. The exterior is somewhat in the overly ornate fashion of the French Renaissance, with a mansard roof; and with a spire and other external details not properly belonging to that style of architecture. Its exterior dimensions are approximately 278′—the frontage of the building along Washington Street—by 106′; its height to the apex of the main roof is 94′, and to the top of the main tower, 235′. The construction of the building is a steel framework fronted with Indiana limestone.

The interior comprises, in the basement and on the first floor, a broad lobby, extending from the east to the west end of the building with a broad corridor on either floor opening into the lobby from the south (main) entrances. Either the basement or the first floor may be entered from the street level. A double elevator shaft occupies the center of the lobby, and to the east and west of the shaft, stairways lead from the basement to the first floor and from the first floor to the upper floors. A lightwell extends from the first floor lobby upward to the skylight in the roof, and is bridged in the center at the upper floor levels. The floor of the first-story lobby is laid with glass tile to admit light to the basement.

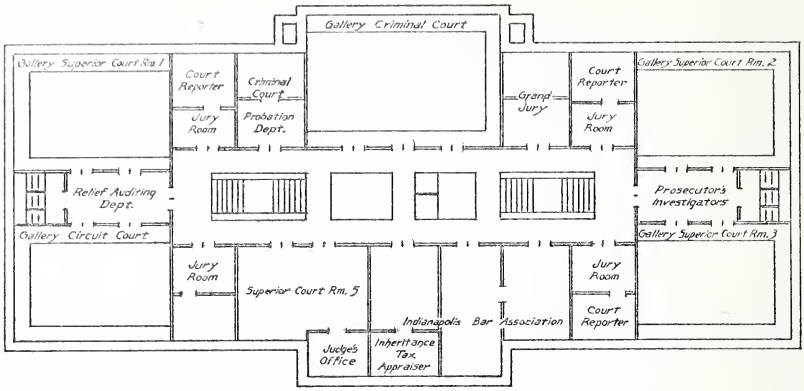
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The offices lie on the north and south sides of the several floors, and in addition, on the third and fourth floors the corridors at the east and west ends have been partitioned to serve as offices. The interior is in the overdecorated style of its era. The flooring is of English encaustic tile, except the fourth floor, where it is mainly wood; all walls and ceilings are of plaster over metal laths. Originally equipped with gas-lighting, the building was wired at about the turn of the century, and all the rooms are well lighted, with chandeliers, drop cords, and lamps where needed. (The record rooms on the fourth floor are exceptions to this general statement and will be treated separately in their proper places below.) The basement and the first floor contain, mainly, county offices; the second and third floors contain courtrooms; and the fourth floor contains municipal courtrooms, certain county offices, and seven old record rooms.

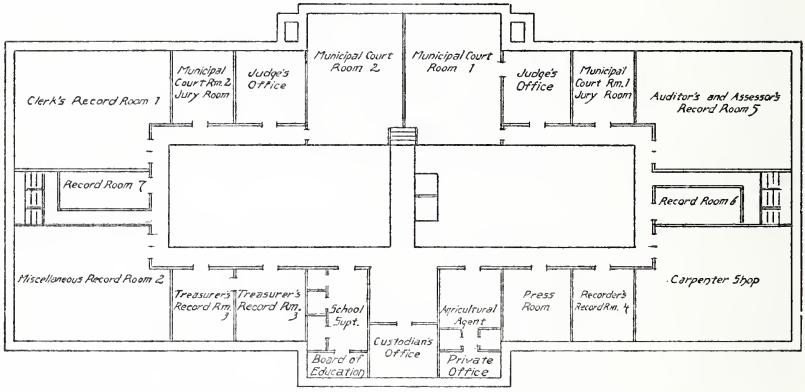
The present county jail was built in 1892 at a cost of approximately $175,000. It is located at the corner of Alabama and Maryland Streets, one-half block south of the courthouse square and opposite the city police station. A three-story building constructed of rough-hewn Indiana limestone, it is connected with the courthouse basement by a tunnel, now little used. The entrance on the north side, reached from Alabama Street, opens into the turnkey's office, where prisoners are registered, and to the rear of the turnkey's office is the sheriff's office. A storage room in the basement contains the older jail records of the sheriff.

With the abolition of the Indianapolis city court in 1926,[9] rooms 3 and 4 of the county municipal courts which supplanted it were established in the city police station, 35 South Alabama Street, on the second and third floors, where the city court had been located. Offices in the same building are assigned to the clerks of the courtrooms (officially deputies of the clerk of the circuit court) and to the probation officer of the

[9] Acts 1925, ch. 194, sec. 27.



THIRD FLOOR, MARION COUNTY COURTHOUSE



FOURTH FLOOR, MARION COUNTY COURTHOUSE

court. Here also is a storage room which contains the older municipal court records.

Board of Commissioners. The current records are in the auditor's office, rooms 37, 39, 41, and 43; noncurrent records are in the surveyor's office and record rooms 1, 2, 3, 4, 5, and 6.

County Council. The current records are kept in the auditor's office, room 43; noncurrent records are in the auditor's office, room 37, and record room 4.

Clerk of the Circuit Court. The clerk occupies six rooms, extending from the northwest corner of the first floor along the north side to the central portion of the building (the sixth room, room 34, department of registration and elections, is described below under Registration Officer). The rooms, with the exception of the sixth, are interconnected by doors. Four of the rooms, are, in effect, record rooms, though deputies in charge of the various departments use the rooms as their offices.

The main office, room 24, on the northwest corner, is 40′ by 35′ by 14′. It contains 242′ of shelving—20′ of which are in a safe—housing

74′ of bound volumes and 49′ of unbound records, 50′ of unbound records being housed in 4-drawer filing cabinets of standard design. These comprise records of the clerk and the circuit, superior, probate, and municipal courts.

Room 26, the clerk's file room, 35′ by 18′ by 14′, contains 1351′ of shelving, 612′ of which are occupied by bound volumes and 659′ by unbound records. Records of the clerk and all the courts except the juvenile court are housed here.

The probate department, room 28, measuring 27′ by 18′ by 14′, houses on 2137′ of shelving, 661′ of bound volumes and the major portion of 1444′ of unbound records, the remainder of the latter being in filing cabinets, 4-drawer and 9-drawer. Records of the probate court are housed in this room.

Room 30, labeled "miscellaneous," similar in size to the probate room, houses 1951′ of bound volumes and 130′ of unbound records; the present shelving is completely occupied—unbound records in file boxes are stacked on top of the shelving—and very little space can be obtained for more. These comprise records of the clerk and the circuit, superior, criminal, probate, and municipal courts. Access to the upper shelves is afforded by a balcony.

In the support department, room 32, whose dimensions are 44′ by 21′ by 14′, 213′ of bound volumes and 236′ of unbound records are housed; 296′ of shelving are unoccupied, but without alteration this shelving can be used only for unbound records. This room contains records of the clerk and the circuit, superior, juvenile, and probate courts.

The current records of the clerk are in rooms 24 and 32, described above; noncurrent records are in room 30, also described above, and record rooms 1, 2, 3, and 4. The remaining rooms of the clerk's suite contain records of the courts, which are in his custody.

Recorder. The recorder's four rooms extend from the northeast corner of the first floor along the north side of the building. The extreme west room, the photostat room, houses only original instruments awaiting photostating and records in the process of compilation. All the rooms are interconnected by doors.

Room 44, the main office, at the northeast corner of the building, is 45′ by 30′ by 14′. Occupying a portion of 2067′ of shelving are 1978′ of bound volumes and 10′ of unbound records in file boxes 12″ deep; an additional 14′ of unbound records are housed in filing cabinets. The shelving along two sides of the room extends to the ceiling; access to the upper shelves is afforded by a balcony.

Room 42, adjoining the office, serves as a record room. Its dimensions are 45′ by 21′ by 14′. Fourteen hundred and ninety-four feet of shelving house 1161′ of bound volumes, and a filing cabinet contains 8′ of unbound records. In addition to the recorder's records, one volume of the sheriff's records is kept here.

Another record room, room 40, similar to room 42 in size, houses 2179′ of bound volumes. Eighty-three feet of shelving are left for expansion.

In these three rooms adequate accommodations are provided for

users of the records. Older records of the recorder are housed in record rooms 2, 3, and 4.

Circuit Court. The court occupies room 45, in the southwest corner of the second floor. Like its companion rooms, superior courtrooms 1, 2, and 3, and the criminal courtroom, its ceiling is the ceiling of the third story, and it has a gallery on the third floor level. Measuring 55′ by 39′ by 24′, it contains 11′ of bound volumes arranged on tables, 32′ of unbound records on shelving in file boxes 12″ deep, and 21 file drawers in cabinets filled with unbound records. Only current records are kept here.

Current records are also housed in the clerk's office, rooms 24, 26, 28, 30, and 32. Noncurrent records are in record rooms 1, 2, 3, 4, 5, and 7.

Criminal Court. The criminal courtroom is room 58 on the north side of the second floor. Its dimensions are 68′ by 45′ by 24′. Forty-six feet of bound volumes and 43′ of unbound records in file boxes 12″ deep are housed on shelving; 10′ of volumes are arranged on two tables; and 6′ of unbound records in file boxes 10″ deep lie on top of the shelving. Space for additional shelving can be obtained.

The anteroom of the criminal court is 12′ by 6′ by 12′. Fairly well lighted and ventilated, it is equipped with 80′ of shelving, housing 70′ of bound volumes and 10′ of unbound records in file boxes 10″ deep. No space can be obtained for additional shelving.

Other current criminal court records are housed in the clerk's office, room 24; older records are in the clerk's office, rooms 26 and 30, and in record rooms 1, 2, and 3.

Superior Court. The five superior courtrooms are located on the second and third floors. Superior courtroom 1 occupies room 46, at the northwest corner of the second floor. The dimensions of the room are 53′ by 45′ by 24′. Twelve feet of bound volumes are arranged on tables, and 21′ of unbound records are housed on shelving in file boxes 12″ deep. Ample space is left on this shelving for unbound records, but none is available for volumes.

Superior courtroom 2 occupies room 62, at the northeast corner of the second floor. It is 60′ by 40′ by 24′, but otherwise similar to room 46. On shelving—wooden for the volumes and steel for the file boxes—21′ of bound volumes and 4′ of unbound records in file boxes 15″ deep are housed, while eight drawers in filing cabinets also contain unbound records. Six feet of shelving are unoccupied.

Room 61, occupied by superior courtroom 3, is 60′ by 39′ by 24′, and also is similar in other respects to room 46. On shelving are 15′ of bound volumes and 6′ of unbound records in file boxes 15″ deep; 5′ of volumes are lying on a table.

Superior courtroom 4 is located in room 57, whose dimensions are 42′ by 33′ by 12′, on the south side of the second floor. On 38′ of shelving are 17′ of bound volumes and 12′ of unbound records in file boxes 14″ deep; a filing cabinet also contains four drawers of unbound records.

Superior courtroom 5, in room 75 on the south side of the third floor, has dimensions of 40′ by 27′ by 12′. It houses 13′ of bound volumes and 21′ of unbound records in file boxes 12″ deep. The bound records are arranged on tables, and the file boxes on shelving.

Other current records of the superior court may be found in the

clerk's office, room 26; older records, in the clerk's office, rooms 24, 30, and 32, and in record rooms 1, 2, and 7.

Juvenile Court. The court occupies six rooms in the basement, of which only three rooms 14, 20, and 22 house records.

Room 20, the waiting room, is 39′ by 21′ by 14′. Four feet of bound volumes are kept here. Ample space can be obtained, when needed, for expansion of the records.

Room 14, the adult probation department, is 29′ by 18′ by 14′. On steel shelving, file boxes 14″ deep contain 87′ of unbound records, and unbound records also are kept in 60 file drawers. The present equipment houses these adequately and permits expansion.

The children's probation department occupies room 22, at the northeast corner of the basement. Having dimensions of 28′ by 16′ by 14′, the room is similar to room 14. Thirteen file drawers contain unbound records, space being available for expansion of the records.

Adequate accommodations are furnished users of the records in these three rooms. Other current records of the juvenile court are housed in the clerk's office, rooms 24, 28, 30, and 32, and in record room 2.

Probate Court. The current records are in the clerk's office, rooms 24, 26, 28, 30, and 32, and the noncurrent records in record rooms 1, 2, 4, and 7.

Municipal Court. Two municipal courtrooms—rooms 1 and 2—are located in the courthouse and two—rooms 3 and 4—in the Indianapolis Police Station, 35 South Alabama Street.

Rooms 1 and 2 are on the north side of the fourth floor. They are identical in all major aspects—their dimensions are 45′ by 31′ by 18′. Room 1 contains 75′ of shelving, carrying 35′ of bound volumes and 22′ of unbound records in file boxes 14″ deep. Additional shelving, for which ample space can be obtained, will be needed if more bound records are to be housed here. Room 2 also contains 75′ of shelving; on this shelving are 36′ of bound volumes and 20′ of unbound records in file boxes 14″ deep. Here the equipment is adequate for several years' expansion.

The office of the clerk of municipal courtroom 3 lies on the north side of the third floor of the police station. Its dimensions are 19′ by 16′ by 12′; on steel and wooden shelving are 68′ of bound volumes and 82′ of unbound records in file boxes of various depths. Only 4′ of shelving are left for expansion, but space for more shelving is available. On the second floor, almost directly beneath the former office, is the office of the clerk of municipal courtroom 4. This room is 24′ by 15′ by 12′. Occupying a portion of 227′ of shelving are 102′ of bound volumes and 110′ of unbound records in file boxes of various depths. In both offices users of the records are well accommodated.

Lying directly to the west of the last named office, on the north side of the second floor, and similar to it in most respects, the municipal court probation office houses 6′ of bound volumes and 47 file drawers of unbound records. The volumes are lying on top of the filing cabinets, no shelving having been installed. This room is 22′ by 17′ by 12′.

Other current records of the municipal court may be found in rooms 24, 26, and 30 of the clerk's office; older records are in record room 1 in the courthouse and the clerk's storage room in the police station.

Sheriff. The sheriff's courthouse office, room 36, lies on the north side of the first floor, between the clerk's and the recorder's rooms, and is 45′ by 21′ by 14′. One hundred and thirteen feet of bound and 215′ of unbound records are housed here. The present shelving is completely occupied, but more could be installed.

The turnkey's office in the jail is 15′ by 10′ by 10′, and has a concrete floor, plastered walls, and a plastered ceiling. Ventilation and lighting are good. Fifteen bound volumes and four file drawers of unbound records are housed in this room, the present equipment being adequate for their housing. One volume also is kept in the sheriff's private office, to the rear of the turnkey's office.

Older records are in record rooms 1, 2, 4, and 5, and the storage room in the jail.

Coroner. The coroner's private office is situated at the rear of his main office, in room 13 on the south side of the basement. It is 21′ square and is separated from the main office by a wallboard partition. A safe houses 2′ of volumes; 2′ of volumes are arranged on a table; and 10′ of unbound records are kept in drawers in the safe. When needed, additional shelving can be installed.

The remainder of the current records are housed in the clerk's office, room 24, and the noncurrent records in record rooms 1 and 2.

Prosecuting Attorney. His office is in room 60, on the north side of the second floor. The entire room is approximately 15′ by 45′ by 12′, but it is divided by a wallboard partition. All the records of the prosecuting attorney, which comprise 1 volume, 7 file boxes, and 9 file drawers of unbound records, are kept in this room. The equipment is adequate for the quantity of records, and permits expansion.

Inheritance Tax Appraiser. The appraiser's office, numbered 77, on the south side of the third floor, is 20′ by 18′ by 12′. Fifty file drawers in cabinets contain unbound records. The present equipment houses these adequately, permitting expansion. All the records of the inheritance tax appraiser are housed in this room, in which users of the records are well accommodated.

Assessor. The county and township assessors' offices are in rooms 6, 7, 9, 19, and 21, in the basement. Of these, only rooms 9 and 21 house the county assessor's records, while all the rooms contain records of the auditor. Room 9 is also occupied by the board of review. Township records are housed in all the rooms, and comprise, in general, the majority of the records kept there. These are not included in the enumeration below.

Room 6, on the north side of the basement, contains 1′ of volumes. Room 7, across the hall from room 6, contains 1′ of volumes and 12 file drawers of unbound records. Both rooms are 50′ by 30′ by 14′.

Room 9, in the south central portion of the building, is 33′ by 24′ by 14′; 21′ of volumes and 20′ of unbound records are kept here, these comprising a portion of the records of the board of review, as well as those of the auditor.

Rooms 19 and 21 are located in the northeast portion of the basement, the latter lying at the southeast corner, and the former adjoining it to the west. In room 19, measuring 38′ by 18′ by 14′, are 24′ of

volumes and 375′ of unbound records in file boxes 16″ deep. Room 21, 40′ by 32′ by 14′, contains 1′ of volumes and 3 file drawers of unbound records.

Ample space is available in all these rooms for expansion of the records, and adequate accommodations are furnished for users. The older records of the assessor are in record room 5.

Board of Review. The records are in the assessor's office, room 9, and record room 5.

Board of Tax Adjustment. The records are in room 43 of the auditor's office.

Board of Finance. The records are in rooms 41 and 43 of the auditor's office.

School Fund Board. The records are in rooms 41 and 43 of the auditor's office.

Treasurer. The treasurer's office, measuring 123′ by 32′ by 14′, occupies the entire southwest section of the first floor, from the main entrance in the south center to the southwest corner of the building. On shelving under work tables are 726′ of volumes.

A concrete-floored balcony, 45′ by 22′ by 7′, where much of the clerical and stenographic work is done, is equipped with 177′ of shelving, entirely occupied by volumes; in addition, 32′ of volumes are stacked on a table. Only a little space is left for additional shelving here.

The auditor's office, room 37, and record rooms 1, 2, 3, 4, and 5 house the older records of the treasurer. Some volumes are also kept in the Barrett Law Department,[10] in room 5 in the basement of the courthouse.

Auditor. The auditor occupies five rooms, four of which are on the first floor, extending from the southeast corner along the south side to the commissioners' courtroom in the south center; while one, the draftsman's office, is located in the basement. The main office, room 41, is in the center of the group; room 43, the chief deputy auditor's office, adjoins it to the east; and rooms 39 and 37, the transfer department and bookkeeping and bond department respectively, lie to its west.

Room 41, measuring 25′ by 21′ by 14′, houses 176′ of unbound records in file boxes 14″ deep. Thirty feet of file boxes are available for expansion, and very little space can be obtained for additional shelving. Room 39, whose dimensions are 35′ by 21′ by 14′, houses 172′ of bound volumes and 196′ of unbound records in filing cabinets. Additional shelving and filing equipment will be necessary for expansion. Room 37, 35′ by 21′ by 14′, houses 430′ of unbound records in file boxes 14″ deep and in filing cabinets. Approximately 6′ of shelving are available for expansion.

The drafting room, room 10, on the north side of the basement, is 48′ by 18′ by 14′. One hundred and four feet of bound volumes and 198′ of unbound records are housed on shelving and in drawers. Ample space is allowed for expansion of the records.

The remainder of the auditor's current records are in the assessor's

[10] This refers to a law approved March 6, 1889, and frequently amended, providing for public improvements—drainage, street and alley paving, sewer construction—by assessments against adjacent property owners; deferred payments are optional. Acts 1889, ch. 118. Acts 1905, 1907; Burns 48-2712; Baldwin 11663.

offices, rooms 7, 9, and 19; noncurrent records are in the assessor's offices, rooms 6 and 21, and record rooms 1, 3, 4, and 5.

Registration Officer. Room 34 of the clerk's suite is occupied by the department of registrations and elections. Its dimensions are 44′ by 20′ by 14′. Four hundred and fifty-three feet of bound volumes are kept on steel cabinet shelving and 80′ of unbound records in file drawers. The equipment here is thoroughly modern and is adequate for the housing of present and future records. All the records of the registration officer, as well as those of the three election boards, are in this room.

Board of Education. An office on the south side of the fourth floor in room 97 at the rear of the superintendent's office is occupied by the board of education. The dimensions of the room are 27′ by 12′ by 20′. Nine feet of unbound records are housed in a steel cabinet containing three file boxes and two drawers 24′ deep. No additional equipment is necessary for the proper housing of the records here.

Superintendent of Schools. Room 97, the main office, is 27′ by 12′ by 20′. One foot of bound volumes is arranged on a table, and 22′ of unbound records are housed in filing cabinets. The superintendent's private office, a room 8′ square, is separated from the main office by a wallboard partition. It houses 4′ of unbound records in file boxes 14″ deep. In both offices satisfactory accommodations are provided for users of the records. The board of education office and record room 4 contain the remainder of the superintendent's records.

Health Officer. An office with dimensions of 39′ by 18′ by 14′, on the north side of the basement, is occupied by the health officer. A wooden cabinet contains 19′ of shelving, housing 15′ of bound volumes, and 6 file drawers house unbound records. Adequate accommodations are provided for users of the records in this room, which houses all the records of the health officer. Old records of this office are in record rooms 1 and 2.

Department of Public Welfare. The office is located in the Washington Trust Building, 257 West Washington Street, Indianapolis. The quarters are spacious and the department's records—all of which are kept here—are well housed.

Surveyor. The surveyor's office, room 2, at the northeast corner of the basement, is 45′ by 30′ by 14′. Bound volumes—8′—are housed on 8′ of shelving, space for more shelving being available. Maps are housed in steel filing cabinets of various sizes and types. The old records of the surveyor are kept in record room 4.

Highway Supervisor. This office is the highway garage, at Twenty-first Street and Northwestern Avenue, Indianapolis. One volume is kept here. Noncurrent records are in record rooms 4 and 5.

Agricultural Agent. His main office is located in room 101, on the south side of the fourth floor; his private office, to the rear of the main office, is separated from the latter by a wallboard partition. The main office is 20′ square with a 20′ ceiling, while the private office is 8′ square. A filing cabinet in the main office contains 6′ of unbound records, and three filing cabinets in the private office contain 30′ of unbound records. Space is available in the main office for additional equipment, which

may be needed. All the records of the agricultural agent are housed in these two rooms.

Storage Rooms. On the fourth floor of the courthouse are seven record rooms used for the storage of old records. Originally planned for special courtrooms and extra offices, they were appropriated for record storage shortly after the turn of the century. Since they were not constructed with this purpose in mind, it was and still is difficult to arrange them in a satisfactory manner, and some discussion has arisen as to whether the tremendous weight of the records here—greatly in excess of the weight which the fourth floor was planned to carry—constitutes a hazard.

These rooms contain a large quantity of records—a total of approximately nineteen thousand feet, bound and unbound—which increases yearly with the transfer of records from the offices. Record rooms 1, 2, and 5 are large corner rooms, averaging in size about 45′ by 40′ by 18′, and the other rooms are lesser in size. With the exception of record rooms 6 and 7, whose construction will be described below, the rooms have wooden floors, plastered walls, and plastered ceilings. Ventilating shafts from the basement open into all record rooms except 6 and 7, being closed by wooden doors about 3′ by 5′. In all except room 4, some of these shafts have been floored, thus providing closets of varying size in which records are housed. All the rooms contain desks or tables for users of the records.

The Historical Records Survey, after obtaining permission to do so, divided the rooms into sections, following the location of the shelving ranges, and designated each section with numbered cards. This system will be of considerable aid in consulting the records, particularly in the larger rooms, since users of the records must now search only certain sections—in rooms 1, 2, and 5, an average of less than one-thirtieth of the total shelving area of the room—rather than hunting through the entire room; the latter will be necessary only if the record desired is missing from its proper section.

Record room 1, the clerk's record room, on the northwest corner of the building, is equipped with 6421′ of shelving, ranging in construction from steel roller shelving and wooden upright shelving for the volumes to steel file box cabinets and wooden pigeonholes for unbound records. This shelving, extending around the walls and through the center of the room is divided into 36 sections, housing 1151′ of bound volumes and 5064′ of unbound records in file boxes of various depths, in bundles on shelving, and in pigeonholes. An additional 84′ of volumes are stacked on the floor, in the room proper and in one of the closets (section 18). Both closets (sections 11 and 18) contain unbound records in file boxes and pasteboard cartons. The room and closets are lighted by drop and extension cords. Records of the clerk, the board of commissioners, all the courts except the juvenile court, the sheriff, the coroner, the treasurer, the auditor, and the health officer are housed here.

Record room 2, the miscellaneous record room, located on the southeast corner, is equipped with 6634′ of metal and wooden shelving of varying design, extending from the floor to the ceiling along the

walls, and to various heights in the center. There are 35 numbered sections of shelving. Three hundred and fifty-three feet of bound volumes and 6336′ of unbound records in file boxes and pigeonholes—records of the board of commissioners, the clerk, the recorder, all the courts, the coroner, the treasurer, the auditor, and the health officer—are housed on this shelving, although a few file boxes are stacked on the floor. One closet (section 13) contains unbound records in file boxes and pasteboard cartons—some on the shelving, some on the floor. General conditions in the room are similar to those in record room 1.

Record room 3, the treasurer's record room, is a double room, having been two rooms originally. The shelving is divided into 18 numbered sections. The east portion, 27′ by 24′ by 20′, contains 265′ of volumes and 850′ of unbound records, the majority of the latter being stacked on top of the shelving in bundles, though some are contained in file boxes 14″ deep. The west portion, identical in size with the east, contains 422′ of volumes and 613′ of unbound records, housed in the same manner as in the east portion. Some city records are likewise kept here. In section 3, in the east portion of the room, volumes are piled indiscriminately on top of the shelving in five stacks 4′ to 6′ high. Two closets (sections 14 and 18) open off this room; unbound records here are housed in file boxes and pasteboard cartons. The condition of the records in the room varies from good to poor, and their arrangement is hazy and inconvenient. The room is lighted by a drop cord and an extension cord which can reach all unlighted sections. Records housed in this room comprise portions of the records of the treasurer, the board of commissioners, the clerk, the recorder, the circuit court, the criminal court, and the auditor.

The recorder's record room, record room 4, on the south side of the building, is 20′ square. Its 387′ of shelving, in 11 numbered sections, carry a portion of 380′ of bound volumes and 281′ of unbound records. A number of volumes are stacked on the floor under a balcony and on the floor of the balcony itself; those under the balcony are practically inaccessible, requiring the removal of many volumes to determine the title of the volumes in the rearmost stacks. Also under the balcony is one 100-pound gunny sack stuffed with unbound records. Most of the remainder of the unbound records are in file boxes; about 25% are in bundles on the shelves. About half the file boxes are stacked on top of the shelving, the rest being arranged in proper manner. There is no space for more shelving, unless the present stacks are extended to the ceiling; however, volumes—for which additional shelving is needed—could not be placed on the higher tiers because of their weight. The condition of the records varies from poor to fair. Records of the recorder, the board of commissioners, the circuit and superior courts, the sheriff. the treasurer. the auditor, the superintendent of schools, the surveyor, and the highway supervisor are housed here.

Record room 5, the auditor's and assessor's record room, is situated at the northeast corner of the building. City and township assessment lists are housed here, as well as county records. The 3208′ of shelving, in 26 numbered sections, are constructed of unfinished wood—

except for one tier, about 48′, of steel roller shelving, and another, about 358′, of wooden cabinet shelving of standard design. On the shelving are 787′ of bound volumes and 2400′ of unbound records. Three closets in this room (sections 20, 25, and 26) house records. All house unbound records in file boxes and cartons stacked on the floor; also stacked on the floor in one of the closets are about 10′ of volumes. The arrangement of the records in the closets and the outer room is poor. In the room proper, with the exception of those in 222 fiber file boxes 10″ deep, the unbound records are in bundles stacked on the shelving; 10′ of volumes are stacked on the floor. These comprise records of the assessor, the auditor, the board of commissioners, the circuit court, the sheriff, the board of review, the treasurer, and the highway supervisor.

Record room 6 is located on the east side of the fourth floor. This room occupies part of what was formerly a broad hallway leading to the stairs to the third floor, and has been partitioned from the hall with wallboard; thus, it is not strictly a room but an enclosure. Measuring 30′ by 13′, it has a tile floor, walls 8′ high of wallboard on three sides and 18′ high of plaster on the fourth, and a plastered ceiling. Current and noncurrent poor relief claims (records of the board of commissioners), comprising 306′ of unbound records in file boxes 18″ deep, are kept in the room.

Record room 7, at the opposite end of the building, is similar to record room 6. In bundles on wooden shelving and in filing cabinets are 355′ of unbound records. The shelving comprises two numbered sections; the filing cabinets comprise a third section. Ample space is left for expansion in this room, in which are housed records of the circuit, superior, and probate courts.

A storage room in the basement of the jail houses a part of the sheriff's records. This room, whose dimensions are 66′ by 14′ by 9′, has a concrete floor and ceiling and brick walls, and is well ventilated and fairly well lighted. Containing 34′ of shelving, it houses 14′ of bound volumes, 20′ of unbound records in file boxes 10″ deep, and 112′ of unbound records in fiber cartons. Rearrangement of the room, which also contains supplies and tools, would allow space for more shelving.

The municipal court storage room, a well-lighted, well-ventilated room 21′ by 12′ by 12′, is located in the police station on the west side of the third floor. Ninety-five feet of shelving are available for county records (the remainder houses records of the former city court). On this shelving are portions of 54′ of bound volumes and 98′ of unbound records in file boxes 14″ deep and in bundles. The excess, both bound and unbound—the latter in bundles—is stacked on the floor. If the room were better arranged, ample space could be obtained for more shelving.

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5. LIST OF ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

The Style Manual of the United States Government Printing Office is the authority followed herein.

Acts	[Session] Laws of the State of Indiana (commonly referred to by binder's title, Acts)
agr. agt.	agricultural agent('s)
alph.	alphabetical(ly)
App.	Appellate court reports of the State of Indiana
approx.	approximate(ly)
arr.	arranged
art.	article
assr.	assessor('s)
aud.	auditor('s)
Baldwin	Baldwin, William Edward, editor. *Baldwin's Indiana Statutes Annotated, 1934, complete in one volume, containing all general laws to January 1, 1934, together with annotations from decisions of the supreme and appellate courts* (3746 pp. Banks-Baldwin Law Publishing Co., Cleveland [c1934]). With supplements May 1935 and May 1937. (The year is given in references only in citations to supplements. Numbers refer to sections which run in one continuous, consecutive series)
bdl.	bundle
Bldg.	Building
bsmt.	basement

Burns	Burns, Harrison, editor. *Annotated Indiana Statutes containing all acts of a general and public nature in force September 1, 1933.* (12 vols. The Bobbs-Merrill Company, Indianapolis [c1933, c1934, c1935, c1937]). With supplement 1937 in pocket in cover of each volume. (The year is given in references only in citations to supplements. Numbers refer to sections which run in one continuous, consecutive series as explained in Burns 1:iii-iv)
c	copyright (before date)
C.C.	County Courthouse
ch.	chapter
chron.	chronological(ly)
cir. ct.	circuit court
clk.	clerk('s)
Const.	Constitution of Indiana (refers to present constitution unless date follows)
crim. ct.	criminal court
et al.	and others
hdw.	handwritten
H. J.	House Journal (Indiana House of Representatives)
hlth. offr.	health officer('s)
ibid.	*ibidem* (same reference as that immediately foregoing)
Ind.	Indiana: Indiana Reports (when preceded by the volume number, reference is to the official state court reports)
juv. ct.	juvenile court
Laws Ind. Terr.	Laws of Indiana Territory, 1801-1816
Laws N. W. Terr.	Laws of the Northwest Territory, 1788-1800
lb.	pound
loc. cit.	*loco citato*—in the place cited
mi.	mile
mun. ct.	municipal court
N. E.	North Eastern Reporter (judicial decisions). 2d—Second series
no., nos.	number(s)
off.	office
op. cit.	*opus citatus*—work cited. After author's name refers to previous work cited under his name.
p., pp.	page(s)
passim	here and there (referring to references too numerous to enumerate)
pol. sta.	police station
prob. ct.	probate court
pros. atty.	prosecuting attorney('s)
pt.	part
pub. welf.	public welfare
rec.	record

recr.	recorder('s)
Rev. Laws	Revised Laws of Indiana
Rev. Stat.	Revised Statutes of Indiana
rm.	room
sec., secs.	section(s)
sher.	sheriff('s)
Spec. Sess.	Special Session
sta.	station
stat.	statutes
supr. ct.	superior court
suppl.	supplement
surv.	surveyor('s)
supt.	superintendent('s)
treas.	treasurer('s)
twp., twps.	township(s)
U. S.	United States
vol., vols.	volume(s)
—	current
′	foot, feet
″	inch, inches (omitted after dimensions in entries)
x	by

Explanatory Notes

The inventory of the records of each branch of the county government is preceded by an essay explaining its legal status and functions.

Entries are grouped under a functional classification, using headings and subheadings according to relative functions with cross references to allied subjects. Every entry has two parts or paragraphs: Title and description. Occasionally an entry may have a third (cross reference) paragraph.

I. The title paragraph consists of:

Entry number. The entries are numbered consecutively.

Exact *title* (in capitals and small capitals) as it appears on the record. Titles enclosed in brackets are supplied by The Historical Records Survey, if the volume or file bears no title. Supplementary titles (in capitals and lower-case letters), enclosed in brackets, are also supplied where it is necessary to explain the types of records more fully, or where the exact title borne by the record is incorrect, misleading, or nondescriptive.

Dates of the period covered by the record, showing inclusive beginning and ending dates by years only. Missing records are indicated by a break in the dates. A dash in place of an ending date denotes an open record. In entries where one or more records are replaced by another record, the month and day are given for the discontinued record. In entries of open records when the last entry is not current, a note follows: "Last entry"—with day, month, and year.

Quantity, given in chronological order wherever possible.

Labeling, if a series or a part of a series. Where the entry consists of one unit, labeled 1, the labeling is omitted; if otherwise labeled, the

labeling is given. If the labeling is inconsistent or confusing, the notation "numbering varies" follows the quantity.

Variations in title. Current or most recent title used as entry title; if former titles vary, they are shown.

Changes in keeping records. Occasionally the county record is discontinued or is kept by some other authority—state or other county office.

II. The description consists of:

A statement of the nature, contents, and purpose of the record, with a resumé of the column headings or subjects treated. The current record, except as otherwise noted, is described. The contents over a long period of years may themselves vary; therefore, over the entire period the description may vary to some degree. In describing map and plat records, the scale and the names of author and publisher are given whenever available. No mention thereof denotes that these data are not known.

Method of arrangement: Chronological, topical, or other system. No mention of arrangement denotes that there is no systematic arrangement.

Method of indexing, pertaining to self-contained indexes. Separate indexes are noted also, with a cross reference thereto. No mention of indexing denotes that the records are not indexed.

Nature of recording: Handwritten, typewritten, or printed. Modern records are almost exclusively in printed form, filled in by hand or typewritten as stated in entry. Maps and plats are drawn, blueprinted, or printed.

Condition. Omitted if good or excellent.

Number of pages averaged for a series.

Size of volumes in the order of height, width, and thickness, averaged for a series; of file boxes and file drawers, in the order of height, width, and depth. It is given in inches in all instances; hence the inch sign is omitted.

Location. The place of custody (the room in which the records are located) is in the courthouse unless another building is specified either in the entry or in the essay on the legal status of the office.

III. Cross referencing occurs in three places:

In the title paragraph it is used to show a complete series where another method of keeping the record was used in the past or is used at present; also, to show other records with which the record is combined.

In the description paragraph, to and from the master entry, to show the contents of volumes or files containing unrelated records. Whenever an entry contains more than one type of record, all the data are given in a master entry under the actual title or under a complete title, if supplied, with reference to subordinate entries for each part. The subordinate entry consists of supplied title, dates, and description only.

In the third paragraph, to prior and subsequent records or allied subjects; to subjects on which supplementary information may be found in other entries; and to records which have related functions.

PART B. COUNTY OFFICES AND THEIR RECORDS

I. BOARD OF COMMISSIONERS

The board of commissioners is a statutory body comprising three members[1] elected for terms of three years. The county is divided into three districts from each of which one member is elected by the electorate of the entire county.[2] Terms are so arranged that no two members take office in the same year.[3]

Marion County has had a board for doing county business since 1822, the date of its organization—the act, approved December 31, 1821, was effective April 1, 1822.[4] On that date, under the authority of an act of 1818, concerning the organization of new counties,[5] an election was held, at which three commissioners were chosen. These commissioners constituted a board of commissioners for doing county business, in accordance with an act of 1816.[6] From the beginning, the board of commissioners, in form and functions, was much the same as at present.

An act of 1824 abolished the board of commissioners and established a board consisting of all justices of the peace of the county as the board for doing county business,[8] conferring upon it the powers and duties exercised by the board of commissioners.[9] The board of commissioners was revived from 1831 to 1835,[10] in which latter year the qualified justices of the peace of the county were constituted the "Board of Commissioners of Marion County."[11] In 1837, the board of three commissioners, elected by the voters, was restored as the board for doing county business,[12] and the Revised Statutes of 1852 continued the board of commissioners without change.[13]

The board is the administrative agency of the county and exercises all powers for the transaction of county business conferred by law.[14] In 1899, the fiscal powers were vested exclusively in the county council, which was then created.[15]

[1] 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

[2] 1 Rev. Stat. 1852; Burns 26-602; Baldwin 5216.

[3] Acts 1885; Burns 26-604; Baldwin 5218.

[4] Acts 1821-22, ch. 72, secs. 1-2.

[5] Acts 1817-18 (special), ch. 3, sec. 1.

[6] Acts 1816-17, ch. 15, sec. 1.

[7] *Ibid.*, secs. 1, 4, 9. See also notes 10, 32, and 33 below.

[8] Rev. Laws 1824, ch. 15, secs. 1-2, 11, 16-17.

[9] Acts 1816-17, ch. 15, sec. 1.

[10] Rev. Laws 1831, ch. 20, secs. 1, 12, 14.

[11] Acts 1834-35 (general), ch. 49, sec. 1.

[12] Acts 1836-37 (general), ch. 19, sec. 1.

[13] 1 Rev. Stat. 1852, ch. 20, sec. 1.

[14] Acts 1816-17, ch. 15, sec. 1. Const., art. 6, sec. 10. 1 Rev. Stat. 1852, ch. 20, sec. 13.

[15] Acts 1899; Burns 26-501, 26-515; Baldwin 5365, 5379. Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

The board of commissioners is a body corporate and politic by the name and style of "The Board of Commissioners of the County of Marion," and as such, and in such name, may sue and be sued, possessing duties, rights, and powers incident to corporations.[16] It meets in regular sessions beginning on the first Monday of every month[17] and in special sessions called for specifically stated business by the auditor, its clerk ex officio,[18] or, in case of death or disqualification, by the clerk of the circuit court or recorder, respectively.[19] Any two members constitute a quorum to do business.[20]

Its principal functions are: Control of county property, allowance of claims against the county, auditing accounts of all officers handling county money (in practice, the board no longer makes audits, since these are made by the state board of accounts),[21] and exercise of the right of eminent domain.[22] Other powers, in specific instances, have been conferred upon the board by the general assembly: Letting of contracts for county buildings;[23] purchase of materials and supplies;[24] supervision of maintenance of roads, bridges, and culverts;[25] preparation of the annual budget estimates;[26] abolition or change of township or precinct boundary lines;[27] establishment and maintenance of libraries[28] and hospitals;[29] authorization of payment of bounties; offering of rewards;[30] and authorization of subscription to and preservation of public newspapers printed in the county.[31]

Besides its administrative functions, the board sits as a court in the trial of causes concerning county business. For the transaction of business it adopts its own regulations, but for court sessions it must comply, so far as practicable, with the rules for conducting business

[16] 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220.

[17] Acts 1899; Burns 26-550; Baldwin 5221.

[18] 1 Rev. Stat. 1852; Burns 49-3004; Baldwin 5418. Acts 1899; Burns 26-610; Baldwin 5223.

[19] Acts 1863; Burns 26-607; Baldwin 5222.

[20] 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

[21] 1 Rev. Stat. 1852, Acts 1935; Burns, 1937 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1879 (Spec. Sess.); Burns 26-807; Baldwin 5256. Acts 1909; Burns 60-201 to 60-204, 60-211, 60-219, 60-225, 60-226; Baldwin 13854 to 13857, 13862, 13870, 13877. Acts 1937; Burns, 1937 suppl., 60-238 to 60-240; Baldwin, 1937 suppl., 15868-1 to 15868-3.

[22] Acts 1899; Burns 26-2101 to 26-2106; Baldwin 5109 to 5114. Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1937 suppl., 36-711; Baldwin, 1935 suppl., 8861-1. Acts 1937; Burns, 1937 suppl., 26-640; Baldwin, 1937 suppl., 5236-1.

[23] Acts 1907; Burns 26-2002, 26-2004; Baldwin 5101, 5103.

[24] Acts 1899; Burns 26-535; Baldwin 5400. Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

[25] Acts 1919; Burns 36-301; Baldwin 8859.

[26] Acts 1899; Burns 26-516, 26-519; Baldwin 5380, 5383.

[27] Acts 1859; Burns 26-701; Baldwin 16055. Acts 1919; Burns 26-705; Baldwin 16059.

[28] 1 Rev. Stat. 1852; Burns 41-501. Acts 1917, 1921, 1927; Burns 41-510; Baldwin 10321.

[29] Acts 1903; Burns 22-3201; Baldwin 4507.

[30] 1 Rev. Stat. 1852, Acts 1875, 1883, 1899, 1911; Burns 26-1101 to 26-1106; Baldwin 3802, 5288 to 5290, 5293, 5294.

[31] 1 Rev. Stat. 1852; Burns 26-626; Baldwin 5285.

in the circuit court.[32] Appeals from its decisions can be taken to the circuit or superior court pursuant to statute.[33]

The first session of the general assembly gave to the board of commissioners authority to open, mend, and keep in repair all public roads established by lawful authority, as well as to open new roads.[34] Supervision was by districts and every male person, eighteen years of age and under fifty, was subject to work on the roads a certain number of days annually.[35] In later years, the road tax might be worked out by a substitute or commuted to a money payment.[36] This method of maintenance was not abolished until 1919.[37]

The commissioners, by virtue of their office, were constituted a board of turnpike directors by an act of 1879, for the management and control of all free turnpikes in the county. Each director had personal supervision of his district. The board had the power to appoint suitable persons to supervise the work of repairs, to contract for labor and materials, and to enter upon lands to take gravel, giving certificates in payment. The board appointed its clerk,[38] until an act of 1905 made the auditor ex officio the clerk.[39] This board was abolished in 1913, and the highways were placed in charge of a superintendent of highways appointed by the board of commissioners.[40] This office was likewise abolished twenty years later. The supervision of highways became a duty of the surveyor,[41] unless the commissioners appoint a highway supervisor.[42]

The board of commissioners also appoints the health officer[43] and the bailiff of the commissioners' court.[44]

The auditor, as clerk of the board of commissioners, attends its meetings, keeps a record of the proceedings, and preserves all the books and papers touching the business of the county in his office.[45]

All the records are located in the courthouse.

Proceedings and Reports

1. Commissioners' Record, 1822—. 65 vols. (1-65).
Record of meetings and proceedings of board of commissioners concerning all county business, showing names of commissioners, date and place of meeting, type of business discussed, and action taken. Arr. by

[32] 1 Rev. Stat. 1852; Burns 26-617; Baldwin 5228.

[33] 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

[34] Acts 1816-17, ch. 8, sec. 1.

[35] *Ibid.*, sec. 10. Rev. Laws 1824, ch. 87, sec. 11. Rev. Laws 1831, ch. 82, sec. 35.

[36] 1 Rev. Stat. 1852, ch. 102, secs. 10, 12.

[37] Acts 1919, ch. 107, sec. 3.

[38] Acts 1879 (Spec. Sess.), ch. 115, sec. 1.

[39] Acts 1905, ch. 167, sec. 85.

[40] Acts 1913, ch. 330, sec. 1.

[41] Acts 1933; Burns 36-1101; Baldwin 8699.

[42] Acts 1933; Burns 36-1110; Baldwin 8708.

[43] Acts 1935; Burns, 1937 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

[44] Acts 1907, 1913; Burns 26-613; Baldwin 5234.

[45] 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

dates of meetings. 1822-1902, hdw.; 1903—, typed. 550 pp. 18 x 12 x 2. 56 vols., 1822-1925, aud. off., rm. 37; 9 vols., 1926—, aud. off., rm. 43.

2. Commissioners' Papers, 1822—. 493 file boxes. Title varies: Commissioners' Court.

Various papers acted upon by board of commissioners including claims, petitions, reviewers' reports, remonstrances, allowances, bids, contracts, and renewals of liquor licenses, showing date and purpose of instrument, names of principals, and decision of board. Also contains: [Highway Department Reports], 1933—, entry 644. Arr. by dates of instruments. Hdw. and typed. 464 file boxes, 5 x 4 x 10; 29 file boxes, 10 x 5 x 14. 464 file boxes, 1822-1916, rec. rm. 1, sec. 18; 29 file boxes, 1917—, aud. off., rm. 41.

3. Commissioners' Court Docket, 1881-83. 1 vol.

Record of suits appealed to superior and circuit courts from commissioners' court, showing names of plaintiff and defendant, nature and amount of suit, date of filing, cause number, and proceedings and decision of court. Indexed alph. by names of plaintiffs. Hdw. 550 pp. 16 x 12 x 2. Aud. off., rm. 37.

4. Commissioners' Liquor License Record, 1887-1918. 7 vols. Discontinued as county record in 1918; kept by state excise director 1933-34, and by alcoholic beverage commission of Indiana 1935—.

Record of board of commissioners' actions on applications for retail liquor dealers' licenses, showing date of application, name and address of applicant, place of business, and decision of board of commissioners. Arr. by dates of applications. Hdw. 600 pp. 18 x 13 x 2½. 3 vols., 1887-94, 1912-13, rec. rm. 5, sec. 22; 3 vols., 1895-1911, rec. rm. 3, sec. 3; 1 vol., 1914-18, aud. off., rm. 37.

5. Various Records, Horse Thieves Det.[ectives'] Ass'n., 1915—. 2 file boxes.

Original petitions to board of commissioners by horse thieves' detective associations requesting powers of constable be granted to members of the association, showing names of association and members, date and reason of petition, and volume and page reference to Commissioners' Record, entry 1. Arr. by dates of petitions. Hdw. 10 x 5 x 14. Aud. off., rm. 41.

Bond Issues

6. Bonds and Coupons, 1828—. 132 file boxes, 20 bdls.

Outstanding and redeemed bonds and interest coupons thereto, originally issued for county expenses, showing dates of issue and redemption, serial number of bond, and purpose of issue. Arr. by dates of issues. Printed. 27 file boxes, 20 bdls., 5 x 4 x 10; 105 file boxes, 10 x 5 x 14. 7 file boxes, 14 bdls., 1828-1909, rec. rm. 2, sec. 13; 16 file boxes, 1830-34, 1883, rec. rm. 1, sec. 18; 1 file box, 1883, rec. rm. 3, sec. 13; 3 file boxes, 5 bdls., 1904-30, rec. rm. 5, sec. 20; 1 bdl., 1916-21, rec. rm. 4, sec. 3; 105 file boxes, 1925—, aud. off., rm. 37.

Bids and Contracts

(See also entry 2)

7. Accepted Bids, 1869—. 2 burlap bags, 18 bdls., 13 file boxes. Original bids accepted for construction, improvements, repairs, supplies, and materials for county projects and institutions, showing name and address of bidder; and date, amount, and purpose of bid. Arr. alph. by names of bidders. Hdw. and typed. 100 lb. burlap bags; bdls., 5 x 10 x 12; file boxes, 10 x 5 x 14. 2 bags, 1869-1904, rec. rm. 1, sec. 18; 18 bdls., 1905-21, rec. rm. 4, sec. 1, 2; 13 file boxes, 1922—, aud. off., rm. 43.

8. Rejected Bids, 1925—. 24 file drawers.
Rejected contractors' bids for supplies for county institutions, showing dates of filing and rejection, name of bidder, nature and amount of bid per unit, and total amount of bid. Arr. by dates of filing. Typed. 4 x 8 x 16. Aud. off., rm. 43.

9. Bidders' Record, 1901-33. 36 vols.
Record of bids for construction, improvements, repairs, supplies, and materials for county projects and institutions, showing name and address of bidder; date, amount, purpose, description, quantity, and terms of bid; and decision of board of commissioners. Indexed alph. by names of bidders. Hdw. Condition poor. 200 pp. 14 x 9 x 1. 2 vols., 1901-Aug. 22, 1905, rec. rm. 3, sec. 3; 4 vols., Aug. 26, 1905-21, rec. rm. 4, sec. 6; 30 vols., 1922-33, rec. rm. 5, sec. 22.

10. Auditor's Bridge Contracts, 1900-1913. 25 file boxes.
Contracts for the construction of county bridges, showing name and address of contractor, date and terms of contract, amount of cost, and dates of completion and filing. Arr. by dates filed. Typed. 5 x 4 x 10. Rec. rm. 3, sec. 13.

For transcripts of contracts, see entry 17.

Claims and Allowances

(See also entries 1, 2)

11. Claim and Allowance Record, 1885—. 37 vols.
Record of claims presented to and allowances made by board of commissioners for county expenses, showing dates filed and allowed, claim number, name and address of claimant, and nature and amount of claim. Arr. by dates filed. Hdw. and typed. 600 pp. 18 x 14 x 3½. 2 vol., 1885-91, rec. rm. 3, sec. 3; 27 vols., 1892-1928, rec. rm. 5, secs. 6, 16; 8 vols., 1929—, aud. off., rm. 37.

12. County Claims, 1915—. 343 bdls., 108 file boxes.
Claims filed against county for payment of county expenses, showing dates of claim and payment; name of claimant; and number, amount, and purpose of claim. Arr. by dates of payments. Hdw. Bdls., 4 x 10 x 6; file boxes, 10 x 5 x 14. 343 bdls., 1915-33, rec. rm. 5, secs. 16-18; 108 file boxes, 1934—, aud. off., rm. 37.

For free gravel road claims, 1934-35, see entry 15.

13. Poor Relief Claims, 1932—. 258 file boxes.
Claims submitted to board of commissioners by vendors for food and provisions furnished to indigent persons, with township trustees' orig-

inal relief order attached and duly itemized, showing names of vendor and indigent, amount of claim, and list of provisions furnished. Arr. by dates of claims. Hdw. 250 file boxes, 14 x 12 x 18; 8 file boxes, 10 x 5 x 14. 250 file boxes, 1932-37, rec. rm. 6; 8 file boxes, 1938—. aud. off., rm. 41.

14. State Ben[evolent] and Penal Institutions, 1924—. 29 file boxes.

Claims filed for costs of care, treatment, or transportation of persons committed to insane, benevolent, and penal institutions from Marion County, showing name of patient or prisoner, dates of commitment and release, amount of cost per day and total amount of costs, amount paid for transportation, and date claim filed. Arr. by dates of filing. Hdw. and typed. 10 x 5 x 14. Aud. off., rm. 41.

15. Free Gravel Road Claims, 1934-35. 1 file box.

Original claims for material used on free gravel roads, showing date, amount, and purpose of claim; names of claimant and road; and docket and warrant numbers. Arr. alph. by names of claimants. Typed. 10 x 5 x 14. Aud. off., rm. 43.

For prior and subsequent records, see entry 12.

16. Reports on Prisoners, 1909-11. 1 bdl.

Original claims of sheriffs for care and feeding of prisoners in county jail, showing dates of claim and commitment and discharge of prisoner, name of prisoner, nature of offense, itemized statement of sheriff's fees, total amount of claim. Arr. by dates of claims. Hdw. Condition poor. 8 x 5 x 22. Rec. rm. 4, sec. 2.

For subsequent records, see entry 12. For reports on inspection of jail, see entry 418.

Public Improvements

17. Road Record, 1882—. 20 vols. Last entry, July 10, 1933.

Transcripts of instruments involved in the construction and improvement of public roads, including petitions, remonstrances, viewers' reports, engineers' estimates, bids, contracts, specifications, contractors' bonds, and original publication notices, showing date and nature of instrument, names of road and principals, amount involved, and action taken. Indexed alph. by names of roads. 1882-May 14, 1900, hdw.; May 15, 1900—, typed. 600 pp. 20 x 14 x 3. 15 vols., 1882-1918, 1924—, aud. off., rm. 37; 5 vols., 1919-23, aud. off., rm. 43.

For original instruments, see entries 2, 10.

18. Road Record Concrete and Gravel, 1916—. 8 vols.

Record of meetings of board of commissioners and actions taken on petitions and contracts for construction and maintenance of county roads, showing dates of meeting, petition, contract, and publication notice; names of petitioners and road; type of road; and detailed specifications of construction. Arr. by twps., thereunder alph. by names of roads. Typed and printed. 300 pp. 16 x 12 x 2. Aud. off., rm. 37.

For prior records, see entry 19.

19. Free Gravel Road Record, 1893-1915. 5 vols. (2-6).

Minutes of meetings of board of commissioners in the matter of free gravel roads, including petitions for roads, viewers' reports, specifica-

tions for roads and bridges, and claims allowed for expenses of constructing and maintaining free gravel roads, showing date of meeting, number and amount of warrant, name of payee, and nature of payment. Indexed alph. by names of roads. 1893-1910, hdw.; 1911-15, typed. 592 pp. 18 x 14 x 2½. Aud. off., rm. 37.

For subsequent records, see entry 18.

20. Gravel Road Specifications, 1927-31. 2 vols. (16, 17).
Record of reports of county engineer to board of commissioners on plans, specifications, and estimates for construction and repair of roads, showing date of report, name and location of road, and estimated cost of proposed construction. Indexed alph. by names of roads. Photostat. 500 pp. 18 x 13 x 2½. Aud. off., rm. 37.

For subsequent records, see entry 18.

21. Road Record Vacation and Location, 1926-34. 1 vol. (8).
Record of petitions filed and actions taken by board of commissioners on locating roads and vacating property to be used as right of way, showing date and nature of instrument; names of viewers, remonstrators, and petitioners; description and location of proposed road; and decision of board. Indexed alph. by names of remonstrators or petitioners. Typed. 600 pp. 18 x 14 x 3. Aud. off., rm. 43.

For prior and subsequent records, see entry 18.

22. Road Records [Index], 1822-90. 2 vols. (1, 2). Title varies: Index of Roads.
Index to recordings of petitions for construction of roads, showing date of petition; names of petitioners, viewers, and township; location and description of road; date established; and volume and page reference to Commissioners' Record, entry 1. Arr. by twp., range, and section nos. Hdw. 560 pp. 20 x 14 x 2½. Aud. off., rm. 37.

23. Record of Ditch Petitions and Drains, 1876-1910. 4 vols.
Record of petitions submitted for constructing, cleaning, and repairing public ditches and drains, showing date of petition, names of petitioners, location of ditch or drain, reasons for petition, and decision of board of commissioners. Arr. by dates of petitions. Hdw. and typed. 445 pp. 12 x 20 x 2½. 2 vols., 1876-95, surv. off., rm. 2; 2 vols., 1896-1910, rec. rm. 1, sec. 13.

For subsequent records, see entry 608.

24. Soldiers' Monument Petitions, 1885. 1 file box.
A petition to the board of commissioners to construct a monument to the soldiers and sailors of Indiana, showing date of petition, and names of petitioners. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

Institution Reports

25. Reports on County Institutions, 1880-86, 1903-5. 9 file boxes.
Financial reports of the operation, activities, and expenses of county institutions, showing name of institution; date of report; name, nature of affliction, and date of admittance of inmate; amount expended by each department; and total cost of operation. Arr. by dates of reports. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

26. House of Refuge Record, 1880-84. 1 vol.
Record of expenditures for inmates of house of refuge, showing name and age of inmate, period of residence, dates of admission and dismissal, and amount of cost per capita. Indexed alph. by names of inmates. Hdw. Condition fair. 500 pp. 16 x 12 x 2½. Rec. rm. 1, sec. 31.

Military Records

(See also entries 125-27, 595)

27. Military Bonds and Papers, 1861-63. 8 file boxes.
Bonds filed for preservation and return of state equipment used while organizing volunteer troops, and list of troops organized, showing date, amount, and conditions of bond; names of volunteers, persons bonded, and sureties; and inventory of equipment furnished. Arr. by dates of filing. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

28. Bounty Certificates, 1862. 4 file boxes.
Certificates of enlistment of recruits to serve in Civil War (as citizens of Marion County they were entitled to a bounty paid by the board of commissioners), showing date of enlistment; names of recruit and recruiting officer; physical description, occupation, and place of birth of recruit; and regiment in which enlisted. Arr. alph. by names of recruits. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

II. COUNTY COUNCIL

The Marion County Council is a statutory body, created by the general assembly in 1899,[1] and consists of seven members who must be qualified voters and resident freeholders of the county. They are elected for four-year terms and take office ten days after election. The county is divided into four councilmanic districts, from each of which one councilman is elected by the voters of the district, and three councilmen-at-large are elected by the voters of the whole county.[2]

Prior to the creation of the county council, the fiscal powers of the county were vested in the board of commissioners.[3]

The regular annual meeting of the council is held on the first Tuesday after the first Monday of September for the purposes of fixing the tax rate, imposing the tax levy, and making appropriations, and continues from day to day until its business is completed. Special meetings may be called by the auditor or a majority of the members.[4] All sessions must be public.[5] Although a majority of the council constitutes a quorum, the passage of ordinances requires a majority vote of all members,[6] and extraordinary majorities are required by law in certain instances: A three-fourths vote to increase or insert an item in the

[1] Acts 1899; Burns 26-501; Baldwin 5365.
[2] Acts 1899; Burns 26-502, 26-504; Baldwin 5366, 5368. Acts 1907; Burns 26-505; Baldwin 5369.
[3] 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 17, 18, 21, 22. Acts 1899; Burns 26-549; Baldwin 5413.
[4] Acts 1899, 1921; Burns 26-507; Baldwin 5371.
[5] Acts 1899; Burns 26-508; Baldwin 5372.
[6] Acts 1899; Burns 26-511; Baldwin 5375.

budget estimates submitted by the county agencies through the auditor;[7] a two-thirds vote of all members to make additional appropriations at special meetings.[8]

The power of fixing the tax rate for county purposes and for all purposes where it is not fixed by law and is required to be uniform throughout the county, is vested exclusively in the council, likewise the power of making appropriations of money to be paid out of the county treasury.[9] The council passes on all budget estimates submitted by county officials[10] and makes emergency appropriations.[11]

The council has exclusive power to authorize the borrowing of money for the county and the issuing of bonds.[12] No sale or purchase by the county of real estate of the value of a thousand dollars or more can be made without authorization by the council.[13]

The council elects its president from its membership, and chooses one of its members as a member of the board of tax adjustment.[14] Upon a two-thirds vote of all members, it may expel any of its own members for violation of official duties or declare the seat of any member vacant by reason of disability or neglect.[15] The auditor serves as clerk,[16] and the sheriff is required to execute the orders of the council.[17]

The auditor, as clerk, keeps a journal of the proceedings of the council, and also keeps and preserves in his office its files and papers.[18]

The records are located in the courthouse.

29. RECORD [County Council], 1899—. 5 vols. (1-5).
Minutes of meetings of county council in regular and special sessions, including ordinances passed, appropriations made, and bond issues authorized, showing date of meeting, names of councilmen present, nature of business discussed, and action taken. Arr. by dates of meetings. Typed. 600 pp. 20 x 14 x 2½. 2 vol., 1899-Sept. 8, 1923, aud. off., rm. 37; 3 vols., Sept. 10, 1923—, aud. off., rm. 43.

30. COUNTY COUNCIL ORDINANCES, 1905—. 6 file boxes.
Original ordinances passed by county council, showing date of ordinance, amount of appropriation, purpose of ordinance or appropriation, and names of members approving ordinance. Arr. by dates of ordinances. Hdw. and typed. 10 x 5 x 14. Aud. off., rm. 41.

[7] Acts 1899; Burns 26-520; Baldwin 5384.
[8] Acts 1899, 1907, 1913, 1937; Burns, 1937 suppl., 26-521; Baldwin, 1937 suppl., 5385.
[9] Acts 1899; Burns 26-515, 26-520; Baldwin 5379, 5384.
[10] Acts 1899; Burns 26-520; Baldwin 5384.
[11] Acts 1899, 1907, 1913, 1937; Burns, 1937 suppl., 26-521; Baldwin, 1937 suppl., 5385.
[12] Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.
[13] Acts 1899; Burns 26-534; Baldwin 5399.
[14] Acts 1937; Burns, 1937 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.
[15] Acts 1899; Burns 26-512; Baldwin 5376.
[16] Acts 1899; Burns 26-509; Baldwin 5373. Acts 1899, 1931; Burns 26-507; Baldwin 5371.
[17] Acts 1899; Burns 26-510; Baldwin 5374.
[18] Acts 1899; Burns 26-509; Baldwin 5373.

31. Expense of Court Officers and Trustees [Budget Estimates], 1913-15. 1 bdl. 1934—, in [Reports to Auditor], entry 498.

Budget estimates of officials of Marion County for review by county council, showing dates of statement and filing, names of office and officer, itemized list of estimated expenditures, and total budget. Arr. by dates filed. Hdw. Condition poor. 5 x 4 x 10. Rec. rm. 4, sec. 2.

III. CLERK OF THE CIRCUIT COURT

The clerk of the circuit court, commonly referred to as "county clerk," is a constitutional officer, elected for a four-year term. No person is eligible to the office of clerk of the circuit court for more than eight years in any twelve-year period.[1] The clerk is required to give bond in the amount fixed by the board of commissioners.[2]

Prior to the Constitution of 1851, the office of clerk of the circuit court was established in Marion County, under the authority of the Constitution of 1816,[3] and an act of 1818, concerning the organization of new counties.[4] A clerk was elected at the first election in Marion County, held April 1, 1822[5]—the organization date of the county.

The clerk is required to attend, in person or by deputy, the circuit court,[6] to draw up a record of the proceedings of the court daily,[7] to administer oaths,[8] and to receive payments for all judgments of record in his office.[9] He is also clerk of the several additional courts of the county, created in later years: Superior court,[10] criminal court,[11] probate court,[12] juvenile court,[13] and municipal court,[14] and performs therein, by deputy, the same duties as in the circuit court.[15] He also prepares the budget estimates for each court of the county.[16]

In addition to his court duties, numerous other duties are imposed upon the clerk by statute. He serves ex officio as registration officer for the county[17] and as a member and clerk of the county election boards.[18] Other important duties are the issuance of marriage licenses;[19]

[1] Const., art. 6, sec. 2. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427.

[2] Acts 1875; Burns 49-2703, 49-2704; Baldwin 1430, 1431.

[3] Const., 1816, art. 5, sec. 8.

[4] Acts 1817-18 (special), ch. 3, sec. 1.

[5] Commissioners' Record, 1:27.

[6] 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

[7] 2 Rev. Stat. 1852, Acts 1885, 1933; Burns 4-324; Baldwin 1413.

[8] 2 Rev. Stat. 1852; Burns 49-2708; Baldwin 1435.

[9] Acts 1875; Burns 49-2719; Baldwin 1438.

[10] Acts 1871; Burns 4-1404; Baldwin 1597.

[11] Acts 1881 (Spec. Sess.); Burns 4-2302; Baldwin 1745.

[12] Acts 1907; Burns 4-2904; Baldwin 1780.

[13] Acts 1903, 1913, 1931, 1935, 1937; Burns, 1937 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

[14] Acts 1925; Burns 4-2508; Baldwin 1723.

[15] Acts 1871; Burns 4-1405; Baldwin 1598. Acts 1907; Burns 4-2905; Baldwin 1781. Acts 1925; Burns 4-2508; Baldwin 1723.

[16] Acts 1899; Burns 26-516; Baldwin 5380.

[17] Acts 1933, 1935; Burns, 1937 suppl., 29-306; Baldwin, 1935 suppl., 7304.

[18] Acts 1899; Burns 29-1002; Baldwin 7109. Acts 1905; Burns 29-1402; Baldwin 7378. Acts 1915, 1917; Burns 29-504; Baldwin 7190.

[19] 1 Rev. Stat. 1852; Burns 44-201; Baldwin 5622.

professional licenses, such as physicians',[20] dentists',[21] and optometrists';[22] hunting, trapping, and fishing licenses;[23] and business licenses, such as poultry dealers'[24] and junk dealers'.[25] He approves, files, and keeps a record of the bonds of county and township officers, unless other provision is made by law,[26] and of notaries public;[27] and registers the certificates of trained nurses.[28] He records certificates of firms and partnerships doing business under any name, designation, or title other than the real names of their members.[29]

The clerk is required to preserve in his office all records and writings appertaining to his official duties, to indorse the time of filing of all papers, and to keep, for each court named above, separate and distinct records as may be necessary to its transactions.[30]

All the records are located in the courthouse.

Official Bonds

32. Official Bond Index Record, 1895—. 6 vols. (1-6).
Transcripts of bonds posted by county officials and bonds posted in court actions, showing cause number; date, amount, and nature of bond; and names of principal and sureties. Arr. alph. by names of principals. Hdw. 500 pp. 18 x 14 x 3. Clk. off., rm. 24.

33. Record of Notaries' Bonds, 1879—. 30 vols. (4-33).
Record of bonds posted by notaries, showing names of notary and sureties; and date, amount, and conditions of bond. Indexed alph. by names of notaries. Hdw. 580 pp. 18 x 14 x 3. 28 vols., 1879-Jan. 18, 1936, rec. rm. 1, secs. 7, 10; 2 vols., Jan. 23, 1936—, clk. off., rm. 24.

34. Notaries' [and County Officials'] Bonds, 1864—. 68 file boxes, 6 cartons. Title varies: Officials and Notaries; Notary Public Bonds.
Original bonds of notaries and county officials, showing date, kind, amount, and conditions of bonds; and names of principal and sureties. Arr. by dates of bonds. Hdw. 56 file boxes, 5 x 4 x 10; 12 file boxes, 10 x 5 x 14, cartons, 15 x 15 x 24. 56 file boxes, 6 cartons, 1864-1931, rec. rm. 1, secs. 11, 12; 12 file boxes, 1932—, clk. off., rm. 24.

[20] Acts 1897; Burns 63-1303; Baldwin 10705.

[21] Acts 1913, 1931, 1935; Burns 1937 suppl., 63-504; Baldwin, 1935 suppl., 5589.

[22] Acts 1907, 1935; Burns, 1937 suppl., 63-1011; Baldwin, 1935 suppl., 13182.

[23] Acts 1937; Burns, 1937 suppl., 11-1403; Baldwin, 1937 suppl., 8229-3.

[24] Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-802; Baldwin 10486.

[25] Acts 1905; Burns 42-703; Baldwin 10462.

[26] 1 Rev. Stat. 1852; Burns 49-105; Baldwin 13063. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433. Acts 1857; Burns 49-124; Baldwin 13077.

[27] 1 Rev. Stat. 1852, Acts 1855; Burns 49-3503; Baldwin 13016.

[28] Acts 1905, 1913, 1931; Burns 63-903; Baldwin 13036.

[29] Acts 1909; Burns 50-201, 50-202; Baldwin 13210, 13211.

[30] 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433. Acts 1871; Burns 4-1415; Baldwin 1608. Acts 1879 (Spec. Sess.); Burns 49-2722; Baldwin 1442. Acts 1881 (Spec. Sess.); Burns 2-813, 2-3314; Baldwin 94, 524. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205, 6-2206; Baldwin 3014, 3288. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1937 suppl., 9-2801; Baldwin, 1937 suppl., 1759. Acts 1907; Burns 4-2918; Baldwin 1795. Acts 1937; Burns, 1937 suppl., 61-623; Baldwin, 1937 suppl., 13-844.

35. Justices' Bonds, 1863—. 4 vols. Title varies: Official Bond Record.

Record of bonds of justices of the peace, showing names of township, principal, and sureties; and date, amount, and conditions of bond. Indexed alph. by names of principals. Hdw. 600 pp. 18 x 13 x 3. 3 vols., 1863-1918, rec. rm. 1, sec. 11; 1 vol., 1884—, clk. off., rm. 24.

36. Record of Sale Bills [Bonds of Officials and Notaries], 1853-60. 1 vol.

Record of bonds posted by justices of the peace, constables, mayor, and notaries public, showing names of principal and sureties; and date, amount, and conditions of bond. Indexed alph. by names of principals. Hdw. 400 pp. 16 x 12 x 2. Rec. rm. 2, sec. 32.

Licenses and Certificates

MARRIAGE

(See also entry 589)

37. Marriage Applications, 1905—. 106 vols., 619 file boxes.

Applications for marriage licenses, showing date of application; names, color, ages, birthplaces, dates of birth, present addresses, occupations, and family histories of bride and groom; names, color, birthplaces, and occupations of parents of applicants; and affidavit of consent of parents to marriage. Arr. by dates of applications. Hdw. Vols., 700 pp. 13 x 11 x 4; file boxes, 5 x 4 x 10. 53 vols., 619 file boxes, 1905-29, rec. rm. 2, secs. 1, 2; 43 vols., 1930-36, clk. off., rm. 32; 10 vols., 1937—, clk. off., rm. 24.

38. Marriage Record, 1822—. 148 vols. (1-148).

Record of licenses issued, and returns and certificates of marriages, showing dates of license and certificate; place of marriage; and names of bride, groom, and person officiating. For index, 1822-84, 1896-1906, see entry 39; 1907—, indexed alph. by names of brides and grooms. Hdw. 700 pp. 14 x 9 x 4. 145 vols., 1822-Feb. 4, 1937, clk. off., rm. 32; 3 vols., Feb. 4, 1937—, clk. off., rm. 24.

39. Index to Marriage Record, 1822-84, 1896-1906. 5 vols.

Partial index to Marriage Record, entry 38, showing date of issuance of license, names of bride and groom, and volume and page reference to recording. Arr. alph. by names of grooms. Hdw. Condition fair. 500 pp. 18 x 12 x 4. 3 vols., 1822-84, 1902-6, clk. off., rm. 32; 2 vols., 1896-1905, rec. rm. 2, sec. 2.

40. [Marriage Licenses and Certificates], 1860-1914, 1929—. 393 file boxes, 9 file drawers.

Original marriage licenses and certificates of marriage, showing dates of license, certificate, and marriage performed; and names of bride, groom, and justice of peace or minister. Arr. by dates of certificates. Hdw. File boxes, 5 x 4 x 10; file drawers, 5 x 14 x 24. 393 file boxes, 1860-1914, rec. rm. 2, secs. 3-5, 10, 11; 9 file drawers, 1929—, clk. off., rm. 24.

41. Marriage Affidavits, 1822-1910. 59 vols., 60 file boxes.

Affidavits as to lawful ages of applicants for marriage licenses, showing date of affidavit, and names of applicants and affiant. Arr. by dates of

affidavits. Hdw. Vols., 500 pp. 16 x 10 x 2; file boxes, 5 x 4 x 10. Rec. rm. 2, secs. 1, 2.

For subsequent records, see entry 38.

PHYSICIANS

42. PHYSICIANS' LICENSE RECORD, 1885—. 7 vols. (1-6, 2½).
Record of applications, certificates of examination by state board of medical registration and examination, and issuances of licenses for physicians to practice medicine, surgery, and obstetrics, showing name, age, address, and place of birth of physician; school attended; dates of graduation and license; and certificate number. Indexed alph. by names of physicians. Hdw. 590 pp. 18 x 14 x 3. Clk. off., rm. 24.

43. PHYSICIANS' LICENSES [Certificates], 1885-86, 1896—. 17 file boxes. Title varies: Physicians' Certificates.

Certificates issued by state board of medical registration and examination and presented to clerk to obtain licenses to practice medicine, surgery, and obstetrics in county, showing dates of certificate and filing, name and address of physician, name of medical college attended, and subjects qualified in. Arr. by dates of filing. 1885-86, 1896-1910, hdw.; 1911—, typed. 15 file boxes, 5 x 4 x 10; 2 file boxes, 10 x 5 x 14. 15 file boxes, 1885-86, 1896-1925, rec. rm. 1, secs. 11, 12; 2 file boxes, 1926—, clk. off., rm. 24.

44. DRUGLESS PHYSICIANS' LICENSE RECORD, 1928—. 1 vol.
Record of applications for issuances of drugless physicians' licenses and certificates of examination by state board of medical registration and examination, showing name, date of birth, and address of physician; name of school attended; and dates of graduation and license. Indexed alph. by names of physicians. Hdw. 570 pp. 16 x 12 x 3. Clk. off., rm. 24.

45. DRUGLESS HEALERS, 1901-25, 1928—. 2 file boxes. Title varies: Osteopathy Certificates.
Certificates issued by state board of medical registration and examination and presented to clerk to obtain license to practice osteopathy, chiropractic, or drugless healing in the county, showing dates of certificate and filing, name and address of licensee, and name of school attended. Arr. alph. by names of licensees. Hdw. 1 file box, 5 x 4 x 10; 1 file box, 10 x 5 x 14. 1 file box, 1901-25, rec. rm. 1, sec. 12; 1 file box, 1928—, clk. off., rm. 24.

DENTISTS

46. RECORD OF DENTISTS' LICENSES, 1899—. 2 vols. (1, 2).
Record of dentists' licenses issued and statements of fact regarding qualifications of dentists, showing date of license; and name, age, place of birth, and address of dentist. Indexed alph. by names of dentists. Hdw. 370 pp. 16 x 12 x 2. Clk. off., rm. 24.

47. DENTISTS' LICENSES [Certificates], 1887—. 9 file boxes.
Certificates issued by state board of dental examiners and presented to clerk to obtain licenses to practice dentistry in the county, showing dates of certificate and filing, name and address of dentist, certificate number, and name of dental college attended. Arr. by dates of filing.

Hdw. 8 file boxes, 5 x 4 x 10; 1 file box, 10 x 5 x 14. 8 file boxes, 1887-1925, rec. rm. 1, sec. 12; 1 file box, 1926—, clk. off., rm. 24.

OPTOMETRISTS

48. Optometry Record, 1907—. 1 vol.
Record of licensed optometrists including transcript of certificate issued by state board of registration and examination in optometry, showing name of optometrist, certificate number, and date filed. Indexed alph. by names of optometrists. Hdw. 397 pp. 16 x 10 x 1½. Clk. off., rm. 24.

49. Optometry License [Certificates], 1908—. 1 file box.
Certificates issued by state board of registration and examination in optometry and licenses issued in other counties and filed to obtain licenses to practice optometry in Marion County, showing name and address of optometrist, and date and number of certificate. Arr. alph. by names of optometrists. Hdw. 10 x 5 x 14. Clk. off., rm. 24.

NURSES

50. Register of Trained Nurses, 1905—. 1 vol.
Record of registered trained nurses, showing name and address of nurse, and date of registration. Arr. alph. by names of nurses. Hdw. 250 pp. 16 x 10 x 1½. Clk. off., rm. 24.

51. Nurses' Certificates, 1905—. 15 file boxes.
Certificates from state board of examination and registration presented to clerk to obtain licenses to practice nursing in county, showing dates of certificate and filing, name and address of nurse, and name of training school. Arr. alph. by names of nurses. Hdw. 12 file boxes, 5 x 4 x 10; 3 file boxes, 10 x 5 x 14. 12 file boxes, 1905-25, rec. rm. 1, sec. 12; 3 file boxes, 1926—, clk. off., rm. 24.

52. Midwifery Certificates, 1897-1922. 1 file box. Discontinued by law in 1923.
Certificates issued by state board of medical registration and examination and presented to clerk to obtain license to practice midwifery in county, showing name and address of midwife, date of license, and name of obstetrical school attended. Arr. alph. by names of midwives. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 12.

VETERINARIANS

53. Veterinary License Record, 1901. 1 vol. Transferred to state livestock sanitary board by an act of 1905.
Record of applications to practice veterinary medicine or surgery in the county, showing names of applicant and witnesses, statements of qualifications by witnesses, and date of application. Arr. by dates of applications. Hdw. 300 pp. 17 x 12 x 1½. Rec. rm. 2, sec. 1.

54. Veterinary Affidavits, 1901-4. 1 file box. After 1905 licenses issued by state livestock sanitary board.
Affidavits made by applicants for veterinary licenses, showing date of application, name and qualifications of applicant, and names of witnesses. Arr. alph. by names of applicants. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 12.

COMMERCIAL

55. Record of Poultry Dealer's License, 1917—. 4 vols.
Record of applications for and issuances of licenses to buy and sell

poultry, showing name and business address of dealer, amount of fee, and date and term of license. Indexed alph. by names of dealers. Hdw. Condition fair. 292 pp. 12 x 10 x 1. Clk. off., rm. 24.

56. Junk Dealers' Licenses, 1905—. 1 vol.

Record of applications for and issuances of licenses authorizing dealers to purchase junk, showing name and business address of dealer, and date and term of license. Indexed alph. by names of dealers. Hdw. 600 pp. 14 x 9 x 3. Clk. off., rm. 24.

57. Patent Right, 1869—. 1 vol.

Record of patent rights granted by U. S. Patent Office, showing name of owner or agent, kind and number of patent, and dates of filing and assignment of rights. Arr. alph. by names of owners or agents. Hdw. 250 pp. 16 x 12 x 2. Clk. off., rm. 24.

58. Letters Patent, 1889—. 17 file boxes, 1 file drawer.

Certified copies of letters of patent rights, showing name and address of patentee, date and number of letters patent, and kind of patent. Arr. by patent nos. 1889-1912, hdw.; 1913—, typed. File boxes, 5 x 4 x 10; file drawer, 12 x 16 x 18. 17 file boxes, 1889-1917, rec. 2, sec. 28; 1 file drawer, 1918—, clk. off., rm. 24.

59. Record of Insurance Certificates, 1893-1919. 4 vols. Discontinued—agent's license as now issued by state is valid in every county.

Record of certificates issued by auditor of state to agents of insurance companies authorizing them to transact their business in county where filed, showing dates of filing and expiration, names and addresses of agent and company, and assets and liabilities of company. Indexed alph. by names of companies. Hdw. 200 pp. 18 x 12 x 2. Rec. rm. 1, sec. 32.

60. Application For Sire License, 1890-1914. 1 vol.

Record of applications for sire licenses for breeding purposes, showing date of application; name of owner; and name, date of birth, description, and pedigree of sire. Indexed alph. by names of owners. Hdw. 300 pp. 17 x 12 x 1½. Rec. rm. 2, sec. 2.

61. Applications for Grain Alcohol Permits, 1874, 1915-24. 5 file boxes. Discontinued by an act of 1935.

Applications for permits to receive, possess, and sell or use pure grain alcohol, showing date of application, name of applicant, kind and location of business, and nature of use. Arr. by dates of applications. Hdw. 5 x 4 x 10. 4 file boxes, 1874, 1915-18, rec. rm. 2, sec. 11; 1 file box, 1919-24, rec. rm. 1, sec. 11.

FIREARMS

(See also entry 186)

62. Permits to Carry Firearms [Applications], 1925—. 3 bdls., 6 file boxes.

Applications for licenses to carry firearms, showing date and number of application; name, address, and description of applicant; reason for issuance; and description of firearm. Arr. alph. by names of applicants. Hdw. Bdls., 4 x 5 x 10; file boxes, 10 x 5 x 14; 3 bdls., 1925-33, rec. rm. 2, sec. 13; 6 file boxes, 1931—, clk. off., rm. 24.

63. Permits to Carry Firearms, 1925—. 37 vols.
Stubs of permits issued to applicants to carry firearms, showing date and serial number of permit; name, address, and description of applicant; reason for application; and description of firearm. Arr. by serial nos. Hdw. 100 pp. 10 x 8 x ½. 18 vols., 1925-33, rec. rm. 2, sec. 13; 19 vols., 1934—, clk. off., rm. 24.

HUNTING AND FISHING

64. [Fishing License Stubs], 1938—. 1 file box. Prior records kept by state department of conservation.
Stubs of fishing and hunting licenses issued, showing date of issue; and name, age, weight, height, color of hair and eyes, and address of licensee. Arr. by dates of issue. Hdw. 5 x 4 x 10. Clk. off., rm. 24.

BUSINESS ASSOCIATIONS

(See also entries 128-135, 347)

65. Record of Firms and Partnerships, 1909—. 8 vols. (1-4, 1-4).
Record of persons engaged in business under names other than their own, showing name of firm or partnership, names and addresses of members, date of filing agreement, and nature and location of business. Arr. alph. by names of firms or partnerships. Hdw. 500 pp. 18 x 12 x 3. Clk. off., rm. 24.

66. Current Firms and Partnerships, 1855—. 97 file boxes.
Certificates of persons doing business as firms or partnerships under names other than their real names, showing date certificate filed, and names and addresses of firm or partnership and members. Arr. by dates of filing. 1855-1932, hdw.; 1933—, typed. 93 file boxes, 5 x 4 x 10; 4 file boxes, 10 x 5 x 14. 93 file boxes, 1855-Aug. 1932, rec. rm. 1, secs. 11, 12; 4 file boxes, Oct. 1932—, clk. off., rm. 24.

67. Surviving Partnership Bonds, 1896—. 1 file box.
Original bonds posted by surviving members of partnerships to protect interest of deceased, showing date, amount, and conditions of bond; names of deceased, firm or partnership, surviving partner, and sureties; and date of filing. Arr. by dates of filing. Hdw. and typed. 10 x 5 x 14. Clk. off., rm. 24.

68. Collection Agency Bonds, 1935—. 2 file boxes.
Original bonds posted by collection agencies, showing dates of bond and filing, names of principal and sureties, and amount and conditions of bond. Arr. by dates of filing. Typed. 10 x 5 x 14. Clk. off., rm. 24.

69. Bonds [Petty Money Lenders], 1913-16. 1 file box. 1917-33, filed with state auditor; 1934—, filed with department of financial institutions.
Applications and bonds of petty money lenders, showing dates of application and bond, names of principal and sureties, and amount and condition of bond. Arr. alph. by names of principals. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

MISCELLANEOUS

70. Miscellaneous Records, 1903—. 6 vols. (1-6).
Transcripts of miscellaneous instruments filed in clerk's office including

assignments, satisfactions, releases, tradesmen's liens, trade marks, appointments of railroad policemen, certificates of elections, appointments of deputy county officials, reduction in capital stock, and consignment agreements, showing names of principals, date and kind of instrument, and terms involved. Indexed alph. by names of principals. 1903-32, hdw.; 1933—, typed. 600 pp. 18 x 14 x 3. Clk. off., rm. 24.

For prior records of trade marks, see entry 74.

71. Miscellaneous Record [Current], 1929—. 7 file boxes.

Original documents filed in clerk's office including assignments, satisfactions, releases, tradesmen's liens, trade marks, appointments of railroad policemen and deputy county officials, certificates of elections, reduction in capital stock, and consignment agreements, showing dates of instrument and filing, names of principals, and nature of terms of instrument. Arr. by dates of filing. Hdw. 10 x 5 x 14. Clk. off., rm. 24.

For prior records of trade marks, see entry 75.

72. Register of Notaries, 1896—. 6 vols. (2-7).

Register of notaries public in county, showing name and address of notary, period of commission, date and amount of bond, and names of sureties. Arr. alph. by names of notaries. Hdw. 500 pp. 18 x 14 x 3. Clk. off., rm. 24.

73. Appointment and Authorization of Employees to Administer Oaths for Public Welfare Purposes and Revocations, 1936—. 1 file box.

Affidavits made by board of public welfare of appointments and authorizations of employees of the department of public welfare to administer oaths and carry out the provisions of the Welfare Act of 1936, also includes revocations of appointments and authorizations, showing dates of affidavit and filing, names of employee and members of the board, terms of authorization, and oath of employee. Arr. by dates of filing. Typed. 10 x 5 x 14. Clk. off., rm. 24.

74. Trade Marks and Estrays, 1896-1926. 1 vol.

Register of trade marks and brands used by business firms in marketing their products, showing dates of filing and notice of publication; copy of publication; name, description, and purpose of trade mark or brand; and name of owner. Also contains: [Estray Record], entry 76. Trade marks indexed alph. by names of firms owning brand or trade marks. Hdw. and typed. 400 pp. 16 x 10 x 2. Rec. rm. 1, sec. 29.

For subsequent records, see entry 70.

75. Trade Marks, 1875-1926. 2 file boxes.

Affidavits of trade marks used by various companies, showing date of filing, description of trade mark, and name of company. 1875-1912, hdw.; 1913-26, typed. 5 x 4 x 10. Rec. rm. 2, sec. 28.

For subsequent records, see entry 71.

76. [Estray Record], 1879-1926. In Trade Marks and Estrays, entry 74.

Transcripts of notices of finding and taking up of strayed animals, showing dates of notice and finding of animal, name and address of finder, description of animal, where animal was found, and amount of cost due finder. Arr. by dates of notices.

77. Negro Register, 1853-64. 1 vol.
Register of all negro and mulatto residents in Marion County prior to 1851, for the purpose of preventing further immigration of such persons to Indiana after that year in accordance with original article 13 of the Constitution of 1851, showing date of registration; name, age, birthplace, and description of negro or mulatto; and clerk's statement of party's residence prior to 1851. Indexed alph. by names of negroes or mulattoes. Hdw. Condition poor. 500 pp. 18 x 12 x 3. Rec. rm. 3, sec. 16.

Receipts and Disbursements

78. Cash Book of Receipts, 1911—. 32 vols. (6-9, 15-25, and 17 vols. not numbered).
Record of money received, showing date received, name of payer, total amount received, and memorandum of disposition. Arr. by dates of receipts. Hdw. 400 pp. 20 x 16 x 3. 12 vols., 1911-14, 1923-27, rec. rm. 1, sec. 32; 5 vols., 1915-18, rec. rm. 3, sec. 15, 6 vols., 1919-22, 1928-29, rec. rm. 2, secs. 25, 28; 3 vols., 1930-32, clk. off., rm. 32; 6 vols., 1933—, clk. off., rm. 24.

79. Cash Book of Disbursements, 1911—. 31 vols. (1-11, 15-25, and 9 vols. not numbered).
Record of all money disbursed, showing date of disbursement, number and title of cause, total amount disbursed, and memorandum of amounts payable from various funds. Arr. by dates of disbursements. Hdw. 400 pp. 18 x 16 x 3. 7 vols., 1911-14, 1927, rec. rm. 1, sec. 32; 9 vols., 1915-18, 1921-24, rec. rm. 3, sec. 15; 6 vols., 1919-20, 1925-26, 1928-29, rec. rm. 2, secs. 25, 28; 3 vols., 1930-32, clk. off., rm. 32; 6 vols., 1933—, clk. off., rm. 24.

80. Clerk's Cash Book, 1878-1910, 1915-18. 52 vols.
Record of cash receipts and disbursements, showing date received or disbursed, account credited or debited, name of payer or payee, amount received or disbursed, and balance. Arr. by dates of receipts or disbursements. Hdw. 200 pp. 16 x 12 x 2. 39 vols., 1878-1906, rec. rm. 1, secs. 28, 29; 7 vols., 1907-10, rec. rm. 2, sec. 2; 6 vols., 1915-18, rec. rm. 3, sec. 7.

81. Cancelled Checks, 1931—. 17 file boxes.
Original checks paid by bank, showing dates of issue and cancelation, amount of check, and names of payee and bank. Arr. by dates issued. Hdw. 1 file box, 5 x 4 x 10; 16 file boxes, 10 x 5 x 14. 6 file boxes, 1931-Dec. 24, 1934, clk. off., rm. 30; 1 file box, Aug. 15, 1934-Aug. 1, 1935, rec. rm. 1, sec. 18; 10 file boxes, Aug. 3, 1935—, clk. off., rm. 24.

82. Orders to Pay, 1883-85. 5 file boxes.
Original orders by clerk to cashiers in his office to pay out money, showing date and number of order; name of payee; and amount, purpose, and date of payment. Arr. by dates of orders. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

83. Record of Pay Patients at Asylum of Incurable Insane, Jan.-Dec. 1903. 1 vol.
Register of insane asylum patients for whose care county received payment, showing date admitted, name and age of patient, and amount paid.

Indexed alph. by names of patients. Hdw. 110 pp. 20 x 7 x 1. Rec. rm. 4, sec. 6.

IV. RECORDER

The recorder is a constitutional officer elected for a four-year term. No person is eligible to hold the office of recorder for more than eight years in any twelve-year period. The recorder is required to post bond in the amount of four thousand dollars.[1]

Prior to the Constitution of 1851, the office of recorder was established in Marion County, under the authority of the Constitution of 1816,[2] and an act of 1818 concerning the organization of new counties.[3] A recorder was elected at the first election in Marion County, held April 1, 1822[4]—the organization date of the county.

The title of this officer describes his functions—to make and preserve a public record of legal documents which by law he is bound to record, for both county officials and private persons.[5] Of the many kinds of instruments recorded the more important are: Deeds and mortgages;[6] satisfactions, cancelations, and assignments of any kind;[7] releases;[8] mechanic's liens;[9] leases;[10] articles of incorporation;[11] certificates of admission for foreign corporations to do business in Indiana;[12] cemetery deeds;[13] and articles of cemetery associations.[14] He files chattel mortgages;[15] registers farm names;[16] and records, without fee, soldiers' and sailors' discharge papers.[17] Also, without fee, he files old-age assistance award certificates and records, in a separate book, an abstract thereof.[18]

The forms and methods to be used by the recorder are described in detail in the statutes. He keeps an entry book in which he enters, as filed, all instruments delivered to him for recording, noting day and hour received, which time is the legal date of recording.[19] In addition to the records enumerated above, he keeps a fee book and a cashbook, and

[1] Const., art. 6, sec. 2. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469.

[2] Const. 1816, art. 11, sec. 10.

[3] Acts 1817-18 (special), ch. 3, sec. 1.

[4] Commissioners' Record, 1:27.

[5] 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470.

[6] 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475.

[7] Acts 1905; Burns 49-3203; Baldwin 5472. Acts 1935; Burns, 1937 suppl., 51-511; Baldwin, 1935 suppl., 13227-11.

[8] 2 Rev. Stat. 1852; Burns 56-708; Baldwin 992. Acts 1935; Burns, 1937 suppl., 51-511; Baldwin, 1935 suppl., 13227-11.

[9] Acts 1909; Burns 43-704; Baldwin 10508.

[10] 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671.

[11] Acts 1929; Burns 25-219; Baldwin 4919. Acts 1935; Burns, 1937 suppl., 25-527; Baldwin, 1935 suppl., 4989-21.

[12] Acts 1929; Burns 25-305; Baldwin 4963. Acts 1935; Burns, 1937 suppl., 25-527; Baldwin, 1935 suppl., 4989-21.

[13] Acts 1925; Burns 21-223; Baldwin 4648.

[14] 1 Rev. Stat. 1852; Burns 25-1520; Baldwin 10599.

[15] Acts 1935; Burns, 1937 suppl., 51-510; Baldwin, 1935 suppl., 13227-10. Acts 1935, 1937; Burns, 1937 suppl., 51-515; Baldwin, 1937 suppl., 13227-15.

[16] Acts 1913; Burns 49-3226; Baldwin 5488.

[17] Acts 1925; Burns 59-1002 to 59-1004; Baldwin 11002 to 11004.

[18] Acts 1936 (Spec. Sess.); Burns, 1937 suppl., 52-1207; Baldwin 14078-38.

[19] 1 Rev. Stat. 1852; Burns 49-3211; Baldwin 14665. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470.

enters therein, as received, all money received in his office.[20] He is required to index his records, both in each volume and in complete or general indexes.[21]

All the records are located in the courthouse.

Entry of Instruments For Recording

84. [Day Calendar], 1923—. 15 vols.
Register of entry of all instruments received for recording, showing date and time received, amount of fee, kind of instrument, names of principals, and volume and page reference to recording. Arr. by dates received. Hdw. 365 pp. 8 x 5 x 2. Recr. off., rm. 44.

85. Entry and Cash Book, 1853—. 103 vols. (1-103).
Record of instruments entered and fees paid for recording, showing date and hour of recording, nature of instrument, names of principals, location and description of property, amount of fee, and volume and page reference to recording. Arr. by dates of recording. 1853-Apr. 5, 1927, hdw.; Apr. 6, 1926—, typed. Condition fair. 400 pp. 18 x 17 x 3¾. 62 vols., 1853-Sept. 17, 1919, rec. rm. 4, secs. 9-11; 41 vols., Sept. 29, 1919—, recr. off., rm. 42.

Land Transfers

DEEDS AND TITLES

86. Deed Record, Town Lots, 1822—. 1100 vols. (A-X, AA-ZZ, 1-987, and 95 vols. not numbered) and 32 duplicate vols., 1822-71. Title varies: Deed Record, Lands.
Transcripts of deeds for conveyance of real property, showing dates of deed and recording, names of grantor and grantee, amount of consideration, and location and description of property. Also contains: County Cemetery Record, 1879-1924, entry 89; Record of Crown Hill Cemetery Lots, 1880—, entry 91; Mortgage Record, 1822-48, entry 103; Chattel Mortgage Record, 1822-48, entry 112; Miscellaneous Records [Mechanic's Liens], 1822-48, entry 117. Indexed alph. by names of grantors and grantees; for separate index, see entry 87. 1822-1900, hdw.; 1901-26, typed; 1927—, photostat. Condition fair. 550 pp. 18 x 12 x 3½. 32 vols., 1822-71, rec. rm. 4, secs. 8, 9; 218 vols., 1822-1900, recr. off., rm. 42; 882 vols., 1874—, recr. off., rm. 40.

87. General Index to Deed Records, Town Lots, 1822—. 166 vols. (1-144, 5-22, AJ, KZ, and 2 vols. not numbered). Title varies: General Index of Lands.
Index to Deed Record, Town Lots, entry 86, showing names of town, grantee, and grantor; kind of deed; amount of consideration; description of land or lot; date recorded; and volume and page reference to recording. Arr. alph. by names of grantees and grantors. Hdw. 725 pp. 18 x 12 x 4. 142 vols., 1822-July 1936, recr. off., rm. 40; 20 vols., 1822-1930, recr. off., rm. 42; 2 vols., 1853-64, rec. rm. 4, sec. 9; 2 vols., Aug. 1936—, recr. off., rm. 44.

[20] Acts 1895; Burns 49-1401; Baldwin 7576.

[21] 1 Rev. Stat. 1852; Burns 49-3209, 49-3217, 49-3218; Baldwin 5471, 5481, 5482. 1 Rev. Stat. 1852, Acts 1855; Burns 49-3216; Baldwin 5480.

88. Deeds, 1824—. 176 file boxes.

Warranty and quitclaim deeds filed for recording and not called for, showing dates filed and recorded, names of grantor and grantee, location and description of property, and amount of consideration. Arr. by dates of filing. Hdw. 5 x 4 x 10. 1 file box, 1824-53, rec. rm. 2, sec. 28; 175 file boxes, 1831—, rec. rm. 4, sec. 5.

89. County Cemetery Record, 1865-78, 1925—. 5 vols. (1, 1-4). Title varies: Cemetery Record. 1879-1924, in Deed Record, Town Lots, entry 86.

Transcripts of deeds to cemetery lots, showing name of purchaser, location of lot, amount of consideration, and date recorded. Indexed alph. by names of purchasers. 1865-78, hdw.; 1925-Oct. 29, 1929, typed; Nov. 8, 1929—, photostat. 500 pp. 18 x 12 x 2½. 4 vols., 1865-78, 1925-Nov. 9, 1932, recr. off., rm. 42; 1 vol., Nov. 15, 1932—, recr. off., rm. 44.

For original instruments, 1866-1926, see entry 90.

90. Cemetery Deeds, 1866-1926. 1 file box.

Deeds to cemetery lots filed for recording and not called for, showing dates of deed and recording, names of grantor and grantee, lot number, and amount of consideration. Arr. alph. by names of grantees. Hdw. Condition fair. 5 x 4 x 10. Rec. rm. 4, sec. 7.

For transcripts of deeds, see entry 89.

91. Record of Crown Hill Cemetery Lots, 1865. 1 vol. 1880—, in Deed Record, Town Lots, entry 86.

Record of deeds to lots in Crown Hill Cemetery, showing dates of deed, acknowledgment, and recording; names of grantor and grantee; lot number; and amount of consideration. Indexed alph. by names of grantees. Hdw. 576 pp. 18 x 13 x 3. Recr. off., rm. 42.

92. Church Deeds, 1876-1922. 1 file box.

Original uncalled for deeds to church property, showing dates of deed and recording, names of grantor and grantee, location and description of property, and amount of consideration. Arr. by dates of recording. Hdw. Condition fair. 5 x 4 x 10. Rec. rm. 4, sec. 7.

93. Sheriff's Deeds of Town Lots, 1861-69. 1 vol.

Record of sheriff's deeds to town lots, showing dates of sale and recording; names of plaintiff, defendant, grantor, and grantee; location and description of property; amount of judgment; and decree of court. Arr. by dates of recording. Hdw. 300 pp. 18 x 12 x 2. Recr. off., rm. 42.

For subsequent records, see entry 415.

94. Old Tax Sale Deeds, 1862-88. 1 file box.

Original deeds issued by auditor for property purchased at tax sales and filed for recording and uncalled for, showing dates of deed and recording, name of purchaser, location and description of property, and amount of sale. Arr. by dates of recording. Hdw. 5 x 4 x 10. Rec. rm. 4, sec. 7.

For other tax sale deeds, see entry 549. For record of tax sales, see entry 544.

95. Affidivits, 1911-34. 18 file boxes.

Affidavits of real estate transfers, showing dates of transfer and re-

cording, names of grantor and grantee, and location and description of property. Arr. by dates of recording. Hdw. Condition fair. 5 x 4 x 10. Rec. rm. 4, sec. 7.

96. QUIET RECORD, 1911—. 5 vols. (1-5).
Transcripts of court proceedings in actions to obtain quiet title to real estate, showing date of trial; cause number, names of plaintiff, defendant, attorneys, and witnesses; location and description of property; and proceedings and decision of court. Indexed alph. by names of plaintiffs. Typed. 613 pp. 18 x 13 x 3. 4 vols., 1911-29, recr. off., rm. 42; 1 vol., 1930—, recr. off., rm. 44.

97. LISTS OF LAND ENTRIES, 1821-36. 2 vols.
Lists of original purchasers of land, showing date of purchase; location, description, and acreage of land; and name of purchaser. Indexed alph. by names of purchasers. Hdw. Condition fair. 200 pp. 17 x 12 x 2. Recr. off., rm. 42.

98. LETTERS PATENT LAND, 1820-34. 1 file box.
Original land grants made by U. S. Government to settlers, showing dates of grant and filings; location and description of tract; and name, age, and nationality of settler. Arr. by dates of filing. Hdw. Condition fair. 5 x 4 x 10. Rec. rm. 4, sec. 4.

For plat showing original grants, see entry 102.

PLATS

99. PLAT BOOK, 1848—. 26 vols. (1-25, and 1 vol. not numbered).
Plats of additions, subdivisions, and cemeteries, showing number, size, and location of lot or tract; name of owner; and date of transfer. For index, see entry 100. 1848-July 1926, hdw. and typed; Oct. 1926—, photostat and typed. Condition fair. 40 pp. 22 x 20 x 2. Recr. off., rm. 42.

100. PLAT BOOK GENERAL INDEX, 1848—. 3 vols. (1, and 2 vols. not numbered).
General index to Plat Book, entry 99, showing names of owner and plat or addition, date of recording, and volume and page reference to recording. Arr. alph. by names of owners and plats or additions. Hdw. Condition fair. 150 pp. 19 x 14 x 2½. Recr. off., rm. 42.

101. PLATS, 1902-33. 9 file boxes.
Plats of real estate additions to City of Indianapolis, with marginal descriptions, showing names of previous and present owners, date of transfer, amount of consideration, and location and description of property. Hdw. Condition fair. 5 x 4 x 10. Rec. rm. 4, sec. 4.

102. INDIANAPOLIS AND ITS ENVIRONS, 1899. 1 map.
Plat map of City of Indianapolis drawn from original map of June 5, 1831, and from certified copy of original map drawn in 1883, showing original grants of land from the U. S. Government, principal streets, plats of downtown area, and lot numbers. Printed and framed. Scale: 1″ to 300′. 48 x 60. Recr. off., rm. 44.

For original grants, see entry 98.

Mortgage Transactions

REAL ESTATE

103. Mortgage Record, 1849—. 1196 vols. (S, G, Z, AA-ZZ, 1-1167). 1822-48, in Deed Record, entry 86.

Recording of real estate mortgages, showing date, number, and amount of mortgage; names of mortgagor and mortgagee; location and description of property; and release of mortgage. Also contains: Chattel Mortgage Record, 1849-70, entry 112; Miscellaneous Records [Mechanic's Liens], 1849-69, entry 117. Indexed alph. by names of mortgagors and mortgagees; for separate index, see entry 104. 1849-Feb. 9, 1901, hdw.; Feb. 9, 1901-July 1, 1927, typed; July 2, 1927—, photostat. 500 pp. 17 x 11 x 3. 1 vol., 1854-56, rec. rm. 4, sec. 3; 1195 vols., 1849—, recr. off., rm. 44.

104. General Index of Mortgages [Liens and Other Instruments], 1822—. 169 vols. (numbering varies).

General index of mortgages, liens, and other instruments, showing date and nature of instrument, names of principals, amount of consideration, description and location of property, dates recorded and satisfied, and volume and page reference to Deed Record, 1822-48, entry 86; to Mortgage Record, 1849—, entry 103. Also contains: 1822-69, index to Miscellaneous Records [Mechanic's Liens], entry 117; 1822-70, index to Chattel Mortgage Record, entry 112. Arr. alph. by names of parties to instruments. Hdw. 600 pp. 18 x 13 x 3. 42 vols., 1822-92, rec. rm. 4, sec. 8; 127 vols., 1888—, recr. off., rm. 44.

105. Mortgage Record, School Fund, 1858-80. 2 vols. (1, 2).

Record of mortgages executed as security for school fund loans, showing names of mortgagor and mortgagee (State of Indiana), location and description of real estate, date of mortgage, amounts of principal and interest, and date due. Indexed alph. by names of mortgagors. Hdw. Condition poor. 500 pp. 18 x 12 x 2¾. Recr. off., rm. 42.

For prior records, see entry 86; for subsequent records, see entry 103.

106. Mortgages, 1853-1934. 140 file boxes.

Real estate and chattel mortgages filed for recording and not called for, showing dates of mortgage and filing, file number, names of mortgagor and mortgagee, description and location of property, amounts of mortgage and interest, and conditions of contract. Arr. by dates of filing. Hdw. 5 x 4 x 10. Rec. rm. 4, sec. 5.

107. [Transcripts of] Destroyed Records, Sept. 30, 1868. 2 vols. (1, 2).

Certified transcripts of recording of two mortgages that were lost or destroyed on which foreclosure proceedings were instituted, showing date of trial, cause number, names of plaintiff and defendant, and location and description of property. Indexed alph. by name of mortgagor. Hdw. 150 pp. 18 x 12 x 1½. Recr. off., rm. 42.

108. Canceled Mortgages, 1823-55. 2 file boxes.

Canceled and paid mortgages left for recording of payment or cancelation, showing names of mortgagor and mortgagee, description of property, amount of mortgage, and dates of recording of cancelation or payment. Arr. alph. by names of mortgagees. Hdw. 5 x 4 x 10. Rec. rm. 2, sec. 28.

CHATTELS

(See also entry 106).

109. CHATTEL MORTGAGE MINUTE BOOK, 1935—. 12 vols. (1-12). Abstracts of chattel mortgages, showing number and date of instrument, time of filing, names of mortgagor and mortgagee, amount secured, date due, and description of property mortgaged. Indexed alph. by names of mortgagors and mortgagees; for separate index, see entry 110. Typed. 600 pp. 18 x 14 x 3. Recr. off., rm. 42.

For prior records, see entry 112.

110. GENERAL INDEX TO CHATTEL ABSTRACT, 1935—. 3 vols. (1-3). Index to Chattel Mortgage Minute Book, entry 109, showing names of mortgagor and mortgagee, description of property, date of recording, number of instrument, and book and page reference to recording. Arr. alph. by names of mortgagors and mortgagees. Typed. 600 pp. 18 x 13 x 3. Recr. off., rm. 44.

111. CHATTELS, 1935—. 4 file drawers.

Original chattel mortgages, showing dates of mortgage and filing, names of mortgagor and mortgagee, description of property, amounts of principal and interest, terms of mortgage, and instrument number. Arr. by instrument nos. Hdw. 12 x 18 x 28. Recr. off., rm. 44.

For receipts for chattel mortgages, see entry 114.

112. CHATTEL MORTGAGE RECORD, 1871-June 11, 1935. 494 vols. (numbering varies). 1822-48, in Deed Record, Town Lots, entry 86; 1849-70, in Mortgage Record, entry 103.

Transcripts of mortgages executed on chattel property, showing date and amount of mortgage, description of property, names of mortgagor and mortgagee, and dates of recording and satisfaction. Indexed alph. by names of mortgagors and mortgagees; for separate index, 1822-70, see entry 104; 1871-1935, see entry 113. 1871-1906, hdw.; 1907-26, hdw. and typed; 1927-June 11, 1935, photostat. 600 pp. 18 x 14 x 3. 343 vols., 1871-Aug. 18, 1923, rec. rm. 4, secs. 8-11; 151 vols., Aug. 19, 1923-June 11, 1935, recr. off., rm. 42.

For subsequent records see entry 109.

113. GENERAL INDEX OF CHATTEL MORTGAGES, 1871-June 11, 1935. 60 vols. (44-61, and 42 vols., not numbered).

Index to Chattel Mortgage Record, entry 112, showing date of instrument, names of mortgagor and mortgagee, and volume and page reference to recording. Arr. alph. by names of mortgagors and mortgagees. Hdw. Condition fair. 500 pp. 18 x 14 x 3. 42 vols., 1871-May 13, 1921, rec. rm. 4, secs. 3, 9; 18 vols., May 14, 1921-June 11, 1935, recr. off., rm. 42.

114. RECEIPTS, 1935—. 8 vols.

Duplicates of receipts given for chattel mortgages filed as record, showing number of instrument, date and time of filing, and names of mortgagor and mortgagee. Hdw. 1000 pp. 14 x 9 x 4. 7 vols., 1935-Mar. 7, 1938, recr. off., rm. 42; 1 vol., Mar. 8, 1938—, recr. off., rm. 44.

For original chattel mortgages, see entry 111.

RELEASES AND ASSIGNMENTS

115. ENTRY BOOK OF MARGINAL RELEASES, 1822—. 61 vols.

Record of entries of mortgage releases to be recorded on margin of

transcripts of original mortgages, showing date and number of instrument, amount of mortgage, names of mortgagor and mortgagee, and volume and page reference to recording. Arr. by dates of instruments. Hdw. 400 pp. 15 x 13 x 2. 52 vols., 1822-1925, rec. rm. 4, secs. 6, 9; 8 vols., 1926-Nov. 18, 1937, recr. off., rm. 42; 1 vol., Nov. 19, 1937—, recr. off., rm. 44.

116. Release and Assignment Record, 1916—. 60 vols. (1-60). Title varies: Release Record.

Record of complete and partial releases and assignments, and waivers of priorities on mechanic's liens and real and chattel mortgages, showing kind of release; names of assignor and assignee; amount paid; and dates of mortgage or lien and of release and recording. Arr. by dates recorded. 1916-April 1928, typed; May 1928—, photostat. 700 pp. 17 x 12 x 4. 59 vols., 1916-Feb. 17, 1938, recr. off., rm. 42; 1 vol., Feb. 17, 1938—, recr. off., rm. 44.

Liens

117. Miscellaneous Records [Mechanic's Liens], 1870-88, 1927—. 37 vols. 1822-48, in Deed Record, entry 86; 1849-69, in Mortgage Record, entry 103; 1889-1926, in Miscellaneous Record, entry 136.

Record of transcripts of notices of liens against property to insure payment of cost of labor and material, showing dates of lien and recording, names of lienee and lienor, location and description of property, and amount and terms of lien. 1927—, indexed alph. by names of lienees and lienors; for separate index, 1822-69, see entry 104; 1870-88, see entry 118. 1870-88, hdw.; 1927—, photostat. 500 pp. 18 x 13 x 3½. 4 vols., 1873, 1876-88, rec. rm. 4, sec. 9; 4 vols., 1870-72, 1874-75, Jan. 29, 1927-Aug. 19, 1927, recr. off., rm. 42; 29 vols., Aug. 19, 1927—, recr. off., rm. 44.

118. General Index to Mechanic['s] Liens, 1870-88. 2 vols. (1, 2).

Index to Miscellaneous Records [Mechanic's Liens], entry 117, showing names of lienee and lienor, location and description of property, amount of lien, time recorded and satisfied, and volume and page reference to recording. Arr. alph. by names of lienees and lienors. Hdw. 500 pp. 17 x 12 x 3. Recr. off., rm. 42.

119. Mechanic['s] Liens, 1898-1934. 38 file boxes.

Notices of mechanic's liens left for recording, showing date and amount of lien, date recorded, names of lienholder and property owner, location and description of property, and volume and page reference to recording. Arr. by dates recorded. Hdw. 36 file boxes, 5 x 4 x 10; 2 file boxes, 10 x 5 x 14. 38 file boxes, 1898-1934, rec. rm. 4, sec. 7.

120. Federal Tax Lien Index, 1922—. 1 vol.

Record of liens to insure payment of federal taxes, showing name and address of lienee, file and serial number, time of filing, amounts of tax and penalty, and date of release. Arr. alph. by names of lienees. Hdw. 300 pp. 18 x 12 x 3. Recr. off., rm. 42.

121. [Notice of Tax Lien], 1922—. 1 file drawer.

Federal tax lien notices filed as liens on real estate to insure payment

of federal taxes, showing name and address of lienee; nature of tax; taxable period; amounts of interest, tax, and penalty; recorder's certificate of acknowledgment; and dates assessment list received and recorded. Arr. alph. by names of lienees. Typed. 12 x 18 x 28. Recr. off., rm. 44.

122. Sire Lien Record, 1889—. 1 vol.
Record of liens for breeding services, showing dates of service and recording; amount of lien; enrollment certificate number of sire; description of dam; and names of sire, dam, and owner. Indexed alph. by names of owners. Hdw. and typed. 590 pp. 18 x 12 x 3¼. Recr. off., rm. 42.

Old-Age Awards

(See also entries 598-600)

123. Entry Book Old Age Pensions, 1936—. 1 vol.
Record of filing of old-age pension certificates, showing name of recipient, instrument and serial numbers, and date of recording. Arr. by dates of recording. Hdw. 600 pp. 18 x 13 x 3. Recr. off., rm. 44.

124. Abstract Old Age Certificates, 1936—. 1 vol.
Abstract of certificates of awards of old-age pensions, showing time of filing; date of certificate; name of recipient; and application, certificate, and instrument numbers. Arr. alph. by names of recipients. Typed. 400 pp. 18 x 13 x 3. Recr. off., rm. 44.

Military Records

(See also entries 27, 28, 534, 595)

125. Soldiers' Discharge Record, 1864—. 4 vols. (1-4).
Transcripts of official certificates of discharge from U. S. military services, showing name, age, rank, army unit, personal description, occupation, and place of birth of veteran; dates of enlistment, discharge, and granting and recording of free hunting licenses to veterans; and reason for discharge. Indexed alph. by names of veterans. Hdw. Condition fair. 600 pp. 18 x 12 x 3. Recr. off., rm. 42.

126. Navy Discharge Record, 1921—. 1 vol.
Transcripts of discharges from the U. S. Navy, showing name, address, age, and nationality of veteran; dates of enlistment and discharge; and period of service. Indexed alph. by names of veterans. Hdw. 600 pp. 18 x 12 x 3. Recr. off., rm. 42.

127. Enrollment of Soldiers, 1886-90. 3 vols.
Record of residents of Marion County who served in the Civil War, and record of widows and children of deceased soldiers of the war, showing names, ages, and addresses of soldier, widow, and children; and nationality of soldier. Arr. alph. by names of soldiers or widows. Hdw. Condition poor. 400 pp. 16 x 11 x 2. Rec. rm. 3, sec. 3.

Business Associations

(See also entries 65, 66, 347)

128. Articles of Incorporation, 1867-1934. 154 file boxes.
Articles of incorporation left for recording and not called for, showing

names of corporation and stockholders; description of business; and dates of incorporation, meeting, and recording. Arr. by dates of recording. 1867-1912, hdw.; 1913-34, typed. 5 x 4 x 10. Rec. rm. 4, secs. 8-11.

For recording of articles of incorporation, see entry 136.

129. Amendments to Articles of Association and Incorporation, 1894—. 3 file boxes.

Minutes of meetings for purpose of amending articles of association and incorporation, showing date of meeting, names of directors present, action taken, and date recorded. 1894-1920, hdw.; 1921—, typed. 5 x 4 x 10. Rec. rm. 4, sec. 4.

130. Increase and Decrease of Capital Stock, 1868—. 13 file boxes.

Papers pertaining to increase and decrease of capital stock of companies, showing names of stockholders, dates of incorporation and recording, minutes of meetings of board of directors, and decisions. Arr. by dates of recording. 1868-1919, hdw.; 1920—, typed. 5 x 4 x 10. Rec. rm. 4, secs. 4, 7.

131. Resolutions of Corporations and Associations, 1854-1933. 2 file boxes.

Resolutions made by corporations and associations regarding business agreements, showing dates of filing, meeting, and recording; names of principals; and nature of resolution. 1854-1920, hdw.; 1921-33, typed. 5 x 4 x 10. Rec. rm. 4, sec. 4.

132. Dissolution of Corporations, 1892—. 4 file boxes.

Resolutions adopted by officers and boards of directors of corporations relative to dissolution of organizations, showing dates of filing, meeting, approval, and recording; names of officers; and text of resolution adopted. Hdw. and typed. 5 x 4 x 10. Rec. rm. 4, sec. 4.

133. Revocations, 1930—. 1 file box.

Certificates issued by secretary of state and filed with recorder revoking business privileges of various incorporated firms, showing dates of certificate and filing, and name of company. Arr. by dates of filing. Hdw. 5 x 4 x 10. Rec. rm. 4, sec. 4.

134. Co-partnership Record, 1880—. 1 vol.

Record of business partnership agreements and certificates of amendments, showing dates of instrument and amendment or dissolution, names of partners and firm, kind and place of business, and articles of agreement or partnership. Indexed alph. by names of firms and partners. Hdw. and typed. Condition poor. 300 pp. 16 x 11 x 2. Recr. off., rm. 42.

135. Partnership Agreements, 1870—. 8 file boxes.

Papers pertaining to dissolution of partnerships, showing date, number, and nature of instrument; names and addresses of principals; and date recorded. Hdw. Condition fair. 5 x 4 x 10. Rec. rm. 4, sec. 4.

Miscellaneous Instruments

136. Miscellaneous Record, 1866—. 260 vols. (numbering varies).

Transcripts of miscellaneous instruments, including affidavits, wills, agreements, articles of association and incorporation, amended articles, bills of sale, certificates, contracts, liens, dissolutions, inventions, leases,

powers of attorney, and resolutions, showing names of principals, date of recording, and kind of instrument. Also contains: 1889-1926, Miscellaneous Records [Mechanic's Liens], entry 117. Indexed alph. by names of principals. 1866-1900, hdw.; 1901-26, typed; 1927—, photostat. 750 pp. 18 x 12 x 3. Recr. off., rm. 42.

137. Leases, 1865—. 9 file boxes.

Real estate leases left for recording and uncalled for, showing dates of lease and recording, amount and condition of lease, names of lessor and lessee, location and description of property, and volume and page reference to recording. Arr. by dates of recording. Hdw. 5 x 4 x 10. Rec. rm. 4, sec. 7.

138. Wills and Testaments, 1866—. 8 file boxes.

Original wills and testaments left for recording and not called for, showing dates of will and recording; names of decedent, heirs, and witnesses; and terms of will. Arr. alph. by names of decedents. Hdw. Condition fair. 5 x 4 x 10. Rec. rm. 4, sec. 7.

For transcripts of wills, see entry 305.

139. Bills of Sale, 1888—. 4 file boxes.

Bills of sale of real estate and personal property left for recording and uncalled for, showing dates of sale and recording, names of vendor and purchaser, location and description of property, and amount of consideration. Arr. by dates of recording. Hdw. 5 x 4 x 10. Rec. rm. 4, sec. 4.

For other sale bill records, see entries 338, 362.

140. Power of Attorney, 1874—. 5 file boxes.

Power of attorney authorizations left for recording and uncalled for, showing dates of instrument and recording, names of prinicpal and agent, and volume and page reference to recording. Hdw. Condition fair. 5 x 4 x 10. Rec. rm. 4, sec. 4.

For other power of attorney records, see entries 211, 212.

141. Churches, Lodges, and Societies, 1887—. 13 file boxes. Title varies: Trustee Churches, Lodges, and Societies.

Certificates of election of officers of organizations, showing date recorded, names of organization and office, term of office, and name and address of officer. Hdw. 5 x 4 x 10. Rec. rm. 4, sec. 7.

142. Indentures, 1827-1901. 2 vols.

Record of agreements to assume obligations of children's care and education in return for services performed, showing date of agreement; name, age, and race of child; and names and addresses of parents and master. Indexed alph. by names of parents and masters. Hdw. Condition poor. 400 pp. 18 x 12 x 3. 1 vol., 1827-30, rec. rm. 4, sec. 11; 1 vol., 1831-1901, recr. off., rm. 40.

143. Register of Farm Names, 1913—. 1 vol.

Register of names assigned to farms, showing names of owner and farm, date of recording, and number of instrument. Indexed alph. by names of owners. Typed. Condition fair. 500 pp. 18 x 12 x 3. Recr. off., rm. 42.

144. Inheritance Tax, 1913—. 1 vol.

Transcripts of duplicate and original inheritance transfer tax receipts, showing names of estate, taxpayer, and administrator or executor;

amounts of tax and discount or interest; dates of receipt, recording, and decedent's death; duplicate and cause numbers; source of tax; relationship of taxpayer to deceased; and description and location of real estate. Indexed alph. by names of estates and administrators or executors. Typed. 500 pp. 18 x 12 x 3. Recr. off., rm. 42.

For other inheritance tax records, see entries 363, 364, 439, 441, 465-68.

Fee and Cash Records

145. Fee and Cash Book, 1862-63, 1910—. 62 vols. (1-62). Record of fees received for recording instruments, showing date of receipt, amount of fee, name of payer, number and kind of instrument, and total amount collected. Arr. by dates of receipts. Hdw. Condition fair. 500 pp. 18 x 13 x 2¾. 44 vols., 1862-63, 1910-25, rec. rm. 4, secs. 8, 9, 11; 17 vols., 1926-May 29, 1937, recr. off., rm. 32; 1 vol., May 29, 1937—, recr. off., rm. 44.

146. Monthly and Quarterly Reports, 1919—. 4 vols. Register of all instruments filed for recording, showing daily and monthly total number of each kind of instrument, daily and monthly total amounts of fees collected for recording each type of instrument, daily and monthly totals for all instruments, and date reported. Arr. by dates of reports. Hdw. 130 pp. 15 x 16 x 1. 3 vols. 1919-34, recr. off., rm. 42; 1 vol., 1935—, recr. off., rm. 44.

V. CIRCUIT COURT

The circuit court, re-established by the Constitution of 1851, consists of one judge and is vested with such jurisdiction as is prescribed by law. The judge is elected by the voters of the circuit for a six-year term.[1] The nineteenth circuit since 1889 has comprised Marion County,[2] and the court is styled "Marion Circuit Court."[3]

When Marion County was organized in 1822, it was attached to the fifth judicial circuit,[4] in which it remained until 1873. In that year Marion and Hendricks Counties became the nineteenth circuit.[5] Sixteen years later Hendricks County was detached from this circuit, leaving Marion County constituting a separate circuit as at present.[6]

Under the authority of the Constitution of 1816 and an act of the same year, the court consisted of a president judge, elected for the circuit by joint ballot of both houses of the general assembly, and two associate judges, elected in the county by the voters thereof.[7]

Two associate judges were elected at the first election held in the county, April 1, 1822. The court met for the first session in Marion County on September 26, following.[8]

[1] Const., art. 7, secs. 1, 8, 9. Acts 1881 (Spec. Sess.) ; Burns 4-301 ; Baldwin 1395.

[2] Acts 1889, ch. 36, sec. 1.

[3] Acts 1881 (Spec. Sess.) ; Burns 4-302 ; Baldwin 1396.

[4] Acts 1821-22, ch. 40, sec. 5.

[5] Acts 1873, ch. 29, sec. 20.

[6] Acts 1889, ch. 36, sec. 1, 2.

[7] Const. 1816, art. 5, secs. 3, 7. Acts 1816-17, ch. 2, sec. 2.

[8] Monks, *Courts and Lawyers of Indiana*, 2:846. Order Book [Circuit Court], 1:1 (see entry 174).

As then established, the circuit court had general jurisdiction in all civil and criminal causes and probate matters. Probate jurisdiction was vested in the associate judges of the court with the right of appeal to the entire court.[9] From time to time, other courts have been created in Marion County with authority over various phases of judicial actions. Some of these were given exclusive jurisdiction, others concurrent jurisdiction with the circuit court.

In 1829, a probate court was established, with exclusive jurisdiction in all probate matters.[10] This court continued until abolished in 1852.[11]

There have been two courts of common pleas in Marion County: In 1849, the general assembly created the "Marion Court of Common Pleas," consisting of one judge elected for a seven-year term by a joint ballot of both houses, having concurrent, original, and appellate jurisdiction with the circuit court in all civil causes, both in law and equity, and concurrent jurisdiction with the circuit court upon change of venue in all such causes, but without criminal jurisdiction except in certain instances incidental to its powers as specified in the creating act. The judge was the clerk of the court and kept all records pertaining to the court.[12] The act of January 12, 1852, which abolished this court required that all records, dockets, books, and papers pertaining to the court be transferred to the clerk of the circuit court.[13]

In the same year the general assembly, by an act of May 14, effective in October, created the "Court of Common Pleas of Marion County," consisting of one judge, elected by the voters of the common pleas district for a four-year term. This court had original and exclusive jurisdiction in all probate matters, except in certain instances where concurrent jurisdiction was given to the circuit court or to some other court. It had concurrent jurisdiction with the circuit court in all civil causes where the amount in controversy ranged from fifty to one thousand dollars, except in causes of slander, libel, breach of marriage contract, action on an official bond, or where the title of real estate was in issue; and in certain other civil causes. It had original jurisdiction in criminal causes not amounting to felony except those over which justices of the peace had exclusive jurisdiction; in felony causes not punishable by death, providing the accused voluntarily agreed to trial, and jurisdiction in any criminal cause upon change of venue from the circuit court.[14] It was abolished in 1873 and all its jurisdiction transferred to the circuit court.[15]

The constitution authorizes tribunals of conciliation to administer justice without resort to a court.[16] Accordingly, in 1852, the general assembly established the court of conciliation, to be held by the judge of common pleas to determine every controversy submitted to it ac-

[9] Acts 1816-17, ch. 3, sec. 3. Acts 1817-18 (general), ch. 13, secs. 4, 9, 10.
[10] Acts 1828-29, ch. 26, secs. 1, 2.
[11] 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 4, 11, 14, 43.
[12] Acts 1848-49 (general), ch. 45, secs. 1, 2, 4, 6, 8.
[13] Acts 1851-52 (special and local), ch. 33, secs. 1-3, 6.
[14] 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 4, 11, 12, 14, 17.
[15] Acts 1873; Burns 4-328; Baldwin 1417.
[16] Const., art. 7, sec. 19.

cording to conscience and right without regard to technical rules. Hearings were private and informal and consisted of efforts to effect a conciliation between the parties without trial. Its jurisdiction covered slander, libel, assault and battery, and false imprisonment. The judge was required to keep a book of record containing a memorandum of proceedings and the judgment.[17] Slander and libel were specifically excepted from the jurisdiction of the court of common pleas, and if no compromise was effected in the court of conciliation the cause was taken to the circuit court.[18] The court proved unsuccessful as a means of preventing litigation in minor causes and was abolished in 1865. No provision for transfer of causes was made as no causes were pending.[19] The circuit court retained its trial jurisdiction in those causes which it had had.

Criminal jurisdiction was at first vested in the circuit court. In 1865, the circuit court was divided into civil and criminal branches, each with separate jurisdiction. The criminal circuit court of Marion County became the criminal court in 1881.[20]

In order to relieve the congested docket of the circuit court, the superior court of Marion County was established in 1871 with coordinate civil jurisdiction, for the most part.[21]

The juvenile court was created in 1903, in order to handle causes involving children to better advantage—withdrawing them from association with ordinary court procedure and separating them from adults in both civil and criminal causes.[22]

As the City of Indianapolis grew to include a larger part of Marion County, the city court which supplanted the police court in 1905—which in turn had supplanted the mayor's court in 1891[23]—had gradually grown in importance. In 1925, the municipal court of Marion County was established to replace the former city court and the numerous justices of the peace of the county which were then reduced to one in each township located in whole or in part within the corporate limits of Indianapolis.[24]

The circuit court of Marion County, though limited in its jurisdiction by these later courts, still holds in the judicial system of the state, in the main, the same position and prestige that it originally held.

The circuit court has original concurrent jurisdiction with the superior court in all civil causes, except bastardy where exclusive jurisdiction is conferred by law upon justices of the peace;[25] and concurrent

[17] 2 Rev. Stat. 1852, pt. 2, ch. 2, secs. 1-3, 5-8, 12, 13, 18, 20.

[18] 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5.

[19] Acts 1865 (Spec. Sess.), ch. 57, secs. 1, 2.

[20] *Ibid.*, ch. 45, sec. 1; ch. 48, sec. 1. Acts 1881 (Spec. Sess.); Burns 4-2301, 4-2310; Baldwin 1744, 1758.

[21] Acts 1871, ch. 22, sec. 1. Acts 1871; Burns 4-1411; Baldwin 1604.

[22] Acts 1903, 1913, 1931, 1935, 1937; Burns, 1937 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

[23] Acts 1891, ch. 193, sec. 116. Acts 1905; Burns 4-2401; Baldwin 11586.

[24] Acts 1925, Burns 4-2501, 4-2502; Baldwin 1716, 1717. Acts 1925; Burns 5-103; Baldwin 1836.

[25] 2 Rev. Stat. 1852; Burns 3-601; Baldwin 847. 2 Rev. Stat. 1852, Acts 1861; Burns 5-208; Baldwin 1859. Acts 1871; Burns 4-1411; Baldwin 1604. Acts 1881 (Spec. Sess.); Burns 3-547, 4-303; Baldwin 816, 1397.

jurisdiction with the superior and probate courts in proceedings in partition, applications for the appointment of receivers and actions against corporations by creditors or stockholders, applications for writs of habeas corpus, proceedings to resist probate of wills and proceedings to contest wills, complaints to construe wills and to dissolve trusts, and all actions by and against executors, administrators, guardians, assignees, and trustees.[26] It has concurrent jurisdiction with the superior court and the justices of the peace in causes not exceeding two hundred dollars.[27] It has exclusive jurisdiction in slander[28] and jurisdiction in all other causes, matters, and proceedings where exclusive jurisdiction thereof is not conferred by law upon some other court, board, or officer.[29] It has such appellate jurisdiction concurrent with the superior court, as is conferred by law, from justices of the peace, commissioners' court,[30] municipal court, and other courts, boards, or officers; but appeals from justices of the peace in civil causes are taken to the circuit court only upon written direction of the appellant,[31] and appeals from the municipal court in violations of city ordinance can be taken only to the circuit court.[32]

The court has power to make all proper judgments, sentences, decrees, orders, and injunctions; to issue all process;[33] and to adopt rules for conducting its business.[34]

The chief officers of the court are the sheriff, the prosecuting attorney, and the clerk of the circuit court. The sheriff attends upon the court and serves all process directed to him therefrom.[35] The prosecuting attorney prosecutes the pleas of the state in the court.[36] The clerk of the circuit court draws up each day's proceedings at full length in the proper order book which is signed by the circuit judge.[37] All causes are filed and entered in the office of the clerk of the circuit court, and numbered in consecutive order as filed.[38] The clerk is also charged by statute with the duty of keeping and preserving the official records of the court.[39]

Records pertaining to all courts, entered together in such a way that they cannot be separated, are listed at the conclusion of the records of the circuit court. See entries 191-229.

The records are located in the courthouse.

[26] Acts 1871; Burns 4-1411; Baldwin 1604. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1907, 1917; Burns 4-2910; Baldwin 1786.

[27] 2 Rev. Stat. 1852, Acts 1861; Burns 5-208; Baldwin 1859. Acts 1871; Burns 4-1411; Baldwin 1604.

[28] Acts 1871; Burns 4-1411; Baldwin 1604. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

[29] Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

[30] Sessions of the board of commissioners in the trial of causes concerning county business (see pp. 54, 55).

[31] Acts 1871; Burns 4-1411; Baldwin 1604. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1921; Burns 5-1002; Baldwin 1932.

[32] Acts 1925; Burns 4-2511; Baldwin 1726.

[33] 2 Rev. Stat. 1852; Burns 4-307; Baldwin 1400.

[34] 2 Rev. Stat. 1852; Burns 4-313; Baldwin 1406.

[35] 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

[36] 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456.

[37] 2 Rev. Stat. 1852; Acts 1885, 1933; Burns 4-324; Baldwin 1413.

[38] Acts 1881 (Spec. Sess.); Burns 2-1053; Baldwin 158.

[39] 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

FILING OF ACTIONS

147. ENTRY DOCKET, 1822-38, 1854-61, 1864—. 75 vols. (1-4, 2 vols. not numbered, 1-69).

Record of original filing of court causes, showing names of plaintiff and defendant, date and cause of action, officer's return, amount of judgment requested, and court fees. 1822-38, 1854-61, 1864-73, 1907—, indexed alph. by names of defendants; 1874-1906, indexed alph. by names of plaintiffs and defendants; for separate index, 1872-1918, see entry 148. Hdw. 600 pp. 20 x 14 x 3. 4 vols., 1822-38, rec. rm. 2, sec. 22; 2 vols., 1854-61, rec. rm. 1, sec. 6; 42 vols., 1864-Oct. 14, 1920, clk. off., rm. 32; 27 vols., Oct. 14, 1920—, clk. off., rm. 26.

148. GENERAL INDEX OF ENTRY DOCKET, 1872-1918. 6 vols. (1-6). 8 file drawers.

Partial index to Entry Docket, entry 147, showing names of plaintiff and defendant, date of entry, and volume and page reference to recording. Vols. 1, 3, 5, arr. alph. by names of plaintiffs; vols. 2, 4, 6, arr. alph. by names of defendants; file cards, arr. alph. by names of plaintiffs and defendants. Hdw. and typed. Vols., 600 pp. 18 x 12 x 3; file drawers, 5 x 14 x 24. Vols., 1872-1906, clk. off., rm. 30; file drawers, 1907-18, rec. rm. 7, sec. 2.

149. ENTRY DOCKET FOR STATE EX REL, EX PARTE, IN RE CASES, 1919—. 2 vols. (1, 2).

Record of original filing of ex rel., ex parte, and in re causes for trial, showing date of filing, nature and number of cause, names of plaintiff and defendant, and volume and page reference to Order Book, entry 174. Indexed alph. by names of defendants. Hdw. 750 pp. 16 x 10 x 3. Clk. off., rm. 26.

150. ENTRY DOCKET, BASTARDY, 1877—. 2 vols. (1, 2).

Record of original filing and trial of causes to establish parentage and provide support of children, showing cause number; names of plaintiff and defendant; dates of filing, proceedings, and disposition of cause; amount and conditions of judgment rendered to support child; and amount of court costs. Indexed alph. by names of plaintiffs. Hdw. 1000 pp. 16 x 10 x 4. Clk. off., rm. 26.

151. PRAECIPE, 1934—. 1 vol.

Record of causes for which trial is requested, showing date of issue; cause number; and names of plaintiff, defendant, and attorneys. Arr. by dates of issue. Hdw. 500 pp. 15 x 9 x 3. Cir. ct., rm. 45.

152. ENTRY DOCKET, COMMON PLEAS COURT, 1868-73. 2 vols. (1, 2).

Record of causes entered for action in common pleas court, showing cause number; names of attorneys, plaintiff, and defendant; and dates of filing, process issued, and judgment. Arr. by dates of filing. Hdw. 600 pp. 18 x 12 x 3. Rec. rm. 1, sec. 7.

153. BAR DOCKET, COMMON PLEAS COURT, Feb. 7-Oct. 12, 1860. 1 vol.

Daily record of causes as entered for trial, showing cause number;

names of plaintiff, defendant, and attorneys; and kind of action. Arr. by cause nos. Hdw. 500 pp. 16 x 12 x 2. Rec. rm. 1, sec. 10.

Documents in Court Actions

154. [Papers in Court Causes], 1822—. 429 file boxes, 1209 pigeonholes, 2 bdls., 2 cartons.

Original documents filed in civil, criminal, and probate causes for trial including affidavits, writs, petitions, demurrers, cross complaints and reports, showing dates of document and action; names of plaintiff, defendant, and witnesses; cause number; and nature and disposition of cause. Arr. by cause nos. Hdw. and typed. 241 file boxes, 5 x 4 x 10; 188 file boxes, 10 x 5 x 14; pigeonholes, 5 x 5 x 12; cartons, 12 x 12 x 18; bdls., 6 x 8 x 10. 2 bdls., 2 cartons, 1830-1900, 1915-17, rec. rm. 2, sec. 13; 241 file boxes, 1209 pigeonholes, 1822-1925, rec. rm. 1, secs. 12, 13, 16; 56 file boxes, 1925—, clk. off., rm. 26; 92 file boxes, 1927—, cir. ct., rm. 45; 40 file boxes, 1928—, clk. off., rm. 30.

For other probate documents, see entries 308-11. For other criminal records, see entries 230, 369, 434, 436.

155. [Papers in Common Pleas Causes], 1853-73. 815 file boxes (1-815).

Original instruments filed in probate, civil, and criminal causes for trials in common pleas court, including writs, court orders, reports, claims, inventories, sale bills, appointments, bonds, petitions, denials, demurrers, motions, receipts, and assignments, showing date and nature of action, cause number, names of plaintiff and defendant, and disposition of cause. Arr. by cause nos. For index, see entry 156. Hdw. 5 x 4 x 10. Clk. off., rm. 32.

156. Index to Common Pleas, approx. 1853-73. 1 vol.

Index to [Papers in Common Pleas Causes], entry 155, showing names of plaintiff and defendant, and cause and file box numbers. Arr. alph. by names of plaintiffs, defendants, and estates. Hdw. 250 pp. 18 x 12 x 3. Clk. off., rm. 32.

157. Receiverships, 1884—. 19 file boxes, 10 cartons, 1 file drawer.

Original documents filed in receivership causes, showing cause number, date of filing, names of firm and receiver, and amount and conditions of receiver's bond. Arr. by dates of filing. Hdw. 16 file boxes, 5 x 4 x 10; 3 file boxes, 10 x 5 x 14; cartons, 24 x 24 x 18; file drawer, 12 x 12 x 18. 16 file boxes, 10 cartons, 1884-1929, rec. rm. 1, sec. 11; 3 file boxes, 1 file drawer, 1930—, cir. ct., rm. 45.

158. Circuit Court in Re, 1929—. 10 file boxes.

Original instruments filed with clerk for causes in which the State of Indiana is made a party due to the nature of the action, showing names of parties, date of filing, cause number, nature of action, and court proceedings. Arr. by cause nos. Typed. 10 x 5 x 14. Clk. off., rm. 26.

159. Bastardy Cases, 1877—. 38 file boxes.

Original documents filed in trials of bastardy causes, including affidavits, writs, petitions, and orders, showing dates of instrument and action, names of plaintiff and defendant, and cause number. Arr. by cause nos.

Hdw. 33 file boxes, 5 x 4 x 10; 5 file boxes, 10 x 5 x 14. 33 file boxes, 1877-1936, rec. rm. 2, sec. 33; 5 file boxes, 1937—, clk. off., rm. 26.

Bonds

160. Circuit Court [Bonds], 1907-13, 1922—. 10 file boxes.
Bonds posted as security for damages, judgments, and costs in various civil causes, showing date filed, cause number, names of principal and sureties, and amount and conditions of bond. 1907-13, arr. alph. by names of principals; 1922—, arr. by cause nos. Hdw. and typed. 3 file boxes, 5 x 4 x 10; 7 file boxes, 10 x 5 x 14. 3 file boxes, 1907-13, rec. rm. 1, sec. 11; 7 file boxes, 1922—, clk. off., rm. 24.

161. State Ex Rel, Ex Parte, and in Re Cases, 1925—. 1 file box.
Recognizance and surety bonds posted in ex rel., ex parte, and in re cases, showing cause number; dates of bond and filing; names of parties to action, principals, and sureties; kind of action; and amount and conditions of bond. Arr. by dates of filing. Typed. 10 x 5 x 14. Clk. off., rm. 24.

162. Recognizance Bonds, Bastardy Cases, 1882—. 1 file box.
Bonds posted to guarantee appearance of defendants in court in bastardy causes, showing date of filing, title of cause, nature of charge, amount of bond, and names of principal and sureties. Arr. by dates of filing. Hdw. 10 x 5 x 14. Clk. off., rm. 24.

163. Bonds, 1922-29, 1936—. 4 file boxes.
Bonds posted by individuals to insure appearance in court, showing date filed, amount of bond, and names of principal and surety. Arr. by dates of filing. Hdw. 10 x 5 x 14. 2 file boxes, 1922-29, rec. rm. 1, sec. 11; 2 file boxes, 1936—, clk. off., rm. 32.

164. Injunction Bonds, 1892-1925. 1 carton.
Bonds to guarantee payments by plaintiffs of damages and costs accrued by defendants in causes where an injunction is sought or obtained, showing date of filing; cause number; names of plaintiff, defendant, and sureties; and amount and conditions of bond. Arr. alph. by names of principals. Hdw. 20 x 18 x 18. Rec. rm. 1, sec. 11.

Court Proceedings

MINUTES

165. Issue Docket, 1838-76, 1900—. 39 vols. (18 vols. not numbered, 5-25).
Minutes of actions, proceedings, and rulings of circuit court in civil, criminal, and probate causes, showing nature and number of cause; dates of action and trial; names of plaintiff, defendant, attorneys, and witnesses; and sheriff's return. Indexed alph. by names of defendants; for separate index, 1920—, see entry 166. Hdw. Condition fair. 650 pp. 16 x 12 x 3. 35 vols., 1838-76, 1900-1930, rec. rm. 2, secs. 12, 22; 4 vols., 1929—, cir. ct., rm. 45.

166. Index to Issue Docket, 1920—. 2 vols.
Partial index to Issue Docket, entry 165, showing date cause filed, names of plaintiff and defendant, cause number, and volume and page reference

to recording. Arr. alph. by names of plaintiffs. Typed. 700 pp. 12 x 14 x 6. 1 vol., 1920-26, rec. rm. 2, sec. 12; 1 vol., 1927—, cir. ct., rm. 45.

167. Ex Rel [Issue Docket], 1932—. 1 vol.
Minutes of actions, proceedings, and court rulings in ex rel. causes, showing nature and number of cause, date of action, names of plaintiff and defendant, and disposition of cause. Indexed alph. by names of plaintiffs. Hdw. 500 pp. 18 x 13 x 2½. Cir. ct., rm. 45.

For prior records, see entry 165.

168. Bastardy [Issue Docket], 1903—. 1 vol.
Minutes of actions, proceedings, and ruling of court in bastardy causes, showing nature and number of cause, date of action, names of plaintiff and defendant, and disposition of cause. Arr. by cause nos. Hdw. 650 pp. 14 x 14 x 5. Cir. ct., rm. 45.

169. Appearance Docket, Assignments, 1876—. 2 vols. (1, 2).
Minutes of court hearings, orders, and proceedings in assignments of property in settlement of estate, guardianship, and receivership causes, showing names of assignor, trustee, and sureties; amounts of bond and costs; date of action; court proceedings; and volume and page reference to Circuit Court Order Book, 1876-1906, entry 174; Probate Order Book, 1907—, entry 354. Indexed alph. by names of assignors. Hdw. 250 pp. 18 x 12 x 2. Clk. off., rm. 28.

170. Issue Docket [Common Pleas], 1849-73. 17 vols. (A, 1-16).
Minutes of action, proceedings, and rulings of common pleas court in civil, criminal, and probate causes, showing nature and number of cause; date of trial; names of plaintiff, defendant, attorneys, and witnesses; and sheriff's return. Indexed alph. by names of plaintiffs. Hdw. 600 pp. 18 x 10 x 3. Rec. rm. 2, sec. 22.

171. Court Docket, 1838-1929. 105 vols. (numbering varies).
Docket of causes arranged for trial, showing date filed, names of plaintiff and defendant, and number and disposition of cause. Arr. by dates of filing. Hdw. 800 pp. 17 x 13 x 3. 21 vols., 1838-76, clk. off., rm. 32; 38 vols., 1849-1900, rec. rm. 1, secs. 7, 28; 1 vol., 1854, rec. rm. 3, sec. 7; 45 vols., 1898-1929, rec. rm. 2, sec. 14.

172. Court Docket, Common Pleas Court, 1853-73. 16 vols. (1-16).
Judge's docket of daily causes, showing term of court, cause number, date of filing, names of plaintiff and defendant, court proceedings, orders of last term, interlocutory orders, and disposition. Arr. by cause nos. Hdw. 500 pp. 16 x 12 x 3. Rec. rm. 1, sec. 10.

173. Court of Conciliation, 1859-65. 1 vol.
Minutes of rulings and proceedings of court of conciliation in slander causes, showing dates of filing and settlement, names of plaintiff and defendant, title of cause, and court decision. Hdw. 400 pp. 18 x 12 x 2. Rec. rm. 1, sec. 10.

ORDERS

(See also entries 240, 354)

174. Order Book, 1822—. 280 vols. (numbering varies).
Record of orders and proceedings of court in civil, criminal, and probate causes, showing date of action; names of plaintiff, defendant, and judge; cause number; and court decree. Arr. by dates of court terms. Hdw. and typed. 575 pp. 18 x 14 x 3. Clk. off., rm. 30.

175. Order Book [Common Pleas Court], 1849-73. 39 vols. (A, A, 7, 1-36).
Record of orders and proceedings in probate, civil, and criminal causes of common pleas court, showing dates of order and court term, cause number, names of plaintiff and defendant, and disposition of cause. Arr. by dates of court terms. Hdw. 600 pp. 18 x 12 x 3. Clk. off., rm. 30.

JUDGMENTS

176. Judgment Docket, 1822—. 52 vols. (numbering varies).
Record of judgments rendered by court in civil, criminal, and probate causes, showing date and amount of judgment, names of plaintiff and defendant, cause number, and volume and page reference to Order Book, entry 174, and Decree on Execution Docket, entry 178. Arr. alph. by names of defendants. Hdw. Condition fair. 300 pp. 16 x 14 x 3. 26 vols., 1822-Dec. 31, 1912, rec. rm. 2, sec. 29; 8 vol., Dec. 2, 1912-Dec. 19, 1923, clk. off., rm. 30; 2 vols., 1923-28, cir. ct., rm. 45; 16 vols., 1924—, clk. off., rm. 26.

177. Judgment Docket [Common Pleas Court], 1853-73. 12 vols.
Record of judgments rendered in civil and probate causes in common pleas court, showing names of plaintiff and defendant, date of judgment, amounts of judgment and costs, and volume and page reference to Order Book [Common Pleas Court], entry 175. Arr. alph. by names of judgment debtors. Hdw. 300 pp. 16 x 14 x 3. Rec. rm. 1, sec. 33.

EXECUTIONS

(See also entries 269, 270, 409-15)

178. Decree on Execution Docket, 1822—. 34 vols. (A-Z, AA-HH). Title varies: Execution Docket.
Record of the executions of court decrees in settlement of judgments, showing cause number, names of plaintiff and defendant, date of execution order, amounts of judgment and costs, and officer's return. Indexed alph. by names of defendants. Hdw. and typed. 400 pp. 18 x 11 x 3½. 26 vols., 1822-1924, rec. rm. 2, sec. 29; 8 vols., 1925—, clk. off., rm. 26.

179. Executions, 1875—. 199 file boxes, 36 pigeonholes.
Writs of execution issued by court to sheriff to attach or levy against property to satisfy judgments, showing date of issue, cause number, names of plaintiff and defendant, amounts of judgment and costs, description of property involved, and volume and page reference to Order Book, entry 174, and Decree on Execution Docket, entry 178. Arr. by cause nos. Hdw. Condition fair. 160 file boxes, 5 x 4 x 10; 43 file boxes, 10 x 5 x 14; pigeonholes, 5 x 5 x 12. 156 file boxes, 36 pigeonholes, 1875-1931, rec. rm. 2, secs. 24, 25; 43 file boxes, 1928—, clk. off., rm. 30.

180. Executions on Transcripts, 1876—. 3 vols. (1-3).
Record of executions on judgments rendered in circuit court on causes venued from justice of the peace courts, showing names of plaintiff and defendant; amount of judgment; and dates of filing, judgment, satisfaction, and officer's return. Indexed alph. by names of plaintiffs. Hdw. 400 pp. 18 x 12 x 2½. 1 vol., 1876-1900, rec. rm. 2, sec. 28; 1 vol., 1901-15, clk. off., rm. 32; 1 vol., 1916—, clk. off., rm. 26.

181. Transcripts to Bind Real Estate, 1838-78. 36 file boxes. Transcripts to bind real estate for judgments rendered in causes in justice of the peace court, showing names of plaintiff and defendant, dates of judgment and issue, amounts of judgment and costs, proceedings and decision of court, and constable's return. Arr. by dates of judgments. Hdw. 5 x 4 x 10. Rec. rm. 2, sec. 11.

182. Execution Dockets, Common Pleas Court, 1853-73. 12 vols. Record of writs of executions of court decrees in settlement of judgments, showing dates of writ and judgment; kind of writ; names of plaintiff, defendant, and judgment debtor; amounts of judgment and costs; and officer's return. Arr. by dates of writs. Hdw. 300 pp. 18 x 12 x 2½. Rec. rm. 1, sec. 33.

183. Court Executions [Common Pleas], 1853-73. 114 file boxes. Writs issued in common pleas court causes to sheriff for execution of judgments, showing dates of writ, judgment, and return; names of judgment creditor and debtor; amounts of judgment, fees, and costs; description of property; and volume and page reference to Execution Dockets, Common Pleas Court, entry 182. Arr. by dates of judgments. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 15.

COMPLETE TRANSCRIPTS

184. Complete Record, 1822—. 146 vols. (A-P, 17-146). Complete transcripts of all actions and proceedings in causes involving titles of real estate, showing date of action, names of plaintiff and defendant, and number and disposition of cause. Indexed alph. by names of plaintiffs. 1822-1906, hdw.; 1907—, typed. 500 pp. 18 x 12 x 3. Clk. off., rm. 30.

185. Complete Record [Common Pleas Court], 1849-72. 36 vols. (A, 1-35). Complete transcripts of all actions and proceedings in common pleas court pertaining to causes involving titles to real estate, showing dates of filing and disposition; number and nature of cause; and names of plaintiff, defendant, and attorneys. Arr. by dates of disposition. Hdw. 250 pp. 18 x 12 x 3. Clk. off., rm. 30.

Miscellaneous Court Records

186. Circuit Court Record of Firearm Permits, 1935—. 1 vol. Record of names of persons to whom licenses have been issued to carry firearms, showing name and address of licensee, date of license, and description and number of firearm. Arr. by dates of licenses. Hdw. 145 pp. 14 x 7 x 1. Cir. ct., rm. 45.

For other firearms permits, see entries 62, 63.

187. Time Book, 1916—. 2 vols. Record of days served and mileage allowed to individuals for jury service, showing date of service, name of juror, and number of days served and miles traveled. Arr. by dates of services. Hdw. 200 pp. 16 x 12 x 1. Cir. ct., rm. 45.

188. Witness Record, Circuit Court, 1890-91, 1900-1913. 6 vols. Record of time served and amounts of fees paid witnesses, showing term of court; date of trial; cause number; names of plaintiff, defendant, and witness; amount paid; and number of miles traveled and days served.

Arr. by terms of court. Hdw. 300 pp. 14 x 10 x 1½. Rec. rm. 1, sec. 28.

189. Judge's Instructions to Jury, 1867-71. 6 file boxes.
Instructions of the judge to juries in civil causes as to the evidence they are to consider in rendering a verdict, showing number and nature of cause, date of trial, names of plaintiff and defendant, and nature of evidence. Arr. by cause nos. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

190. Fee Book, Common Pleas Court, 1853-67. 8 vols. (1-8).
Record of fees collected in court actions, showing name of payer, date of payment, and amount and classification of fee. Arr. by dates of payments. Hdw. 600 pp. 18 x 8 x 2. Rec. rm. 1, sec. 10.

Records Common to All Courts

(Listed below are records pertaining to matters in circuit court and all other courts of the county)

PRECIPES

191. Praecipe Book, Executions, 1867—. 56 vols., 26 file boxes.
Title varies: Praecipe.
Orders of attorney of record or of plaintiff to clerk to prepare or issue writs of court decrees, or to prepare transcripts of change of venue or appeal to proper court, or to prepare fee bills in causes in various courts, showing date of order; cause number; names of court, plaintiff, defendant, and attorneys; and kind and nature of writ. Arr. by dates of orders. Hdw. Vols., 150 pp. 14½ x 9 x 1½; file boxes, 5 x 4 x 10. 17 vols., 1867-1926, rec. rm. 1, sec. 29; 9 vols., 26 file boxes, 1913-37, rec. rm. 2, secs. 13, 34; 3 vols., 1930-32, clk. off. rm. 32; 26 vols., 1930—, clk. off., rm. 30; 1 vol., 1938—, clk. off., rm. 26.

CHANGE OF VENUE

(See also entry 516)

192. Change of Venue Record to Foreign Counties, 1889—. 9 vols.
Record of causes transferred to other counties, showing date of entry; cause number; names of county, plaintiff, and defendant; and amounts of costs and fees. Arr. alph. by names of counties. Hdw. 400 pp. 20 x 16 x 2. 2 vols., 1889-1915, rec. rm. 1, sec. 28; 5 vols., 1911—, clk. off., rm. 30; 2 vols., 1911—, clk. off., rm. 32.

193. Receipts for Change of Venue, 1934—. 2 file boxes.
Receipts given clerk for papers of causes venued to other counties, showing cause number, names of plaintiff and defendant, types of papers removed, signature of recipient, and date filed. Arr. by dates of filing. Hdw. 10 x 5 x 14. Clk. off., rm. 30.

LIS PENDENS

194. Lis Pendens, Complaints, 1877—. 7 vols. (1-7).
Transcripts of complaints filed to give notice that the title to certain property is involved in litigation, showing names of plaintiff and defendant, cause number, nature of complaint, location and description of property involved, and date filed. Indexed alph. by names of plaintiffs; for separate index, 1877-1908, see entry 195. Hdw. and typed. 500 pp.

18 x 13 x 2½. 5 vols., 1877-Apr. 1923, clk. off., rm. 32; 2 vols., May 1923—, clk. off., rm. 26.

195. Lis Pendens Index, Complaints, approx. 1877-1908. 1 vol.
Partial index to Lis Pendens, Complaints, entry 194, showing date of complaint, names of plaintiff and defendant, and volume and page reference to transcript. Arr. alph. by names of plaintiffs and defendants. Hdw. Condition poor. 175 pp. 19 x 12 x 1½. Clk. off., rm. 32.

196. Lis Pendens [Complaints], 1913—. 4 file boxes.
Original complaints filed to give notice that the title to certain property is involved in litigation, showing date filed, names of plaintiff and defendant, cause number, nature of complaint, location and description of property involved, and volume and page reference to transcript. Arr. by dates of filing. Typed. 10 x 5 x 14. Clk. off., rm. 26.

197. Lis Pendens, Sheriff's Notice of Attachment, 1877—. 1 vol.
Record of sheriff's attachments on property in lis pendens actions, showing names of plaintiff and defendant, cause number, description and location of property attached, and dates filed and recorded. Indexed alph. by names of plaintiffs; for separate index, 1877-92, see entry 198. Hdw. 500 pp. 18 x 13 x 2½. Clk. off., rm. 26.

198. [Index to Lis Pendens Notices], 1877-92. 1 vol.
Partial index to Lis Pendens, Sheriff's Notice of Attachment, entry 197, showing date of notice, names of plaintiff and defendant, and volume and page reference to recording. Arr. alph. by names of plaintiffs and defendants. Hdw. Condition poor. 175 pp. 19 x 12 x 1½. Clk. off., rm. 32.

199. Lis Pendens Record, Sheriff's Certificates of Sale, 1881—. 18 vols. (3, 5-21).
Transcripts of certificates of sale issued to purchasers of property sold at sheriff's sale to satisfy judgments, showing cause number, date and amount of judgment, names of plaintiff, defendant, and purchaser; description of property; and date and amount of sale. Indexed alph. by names of plaintiffs and defendants. 1881-1912, hdw.; 1913—, typed. 600 pp. 18 x 13 x 3. 12 vols., 1881-Feb. 6, 1931, clk. off., rm. 32; 6 vols., Feb. 7, 1931—, clk. off., rm. 26.

200. Sheriff's Certificate of Sale, 1871—. 103 file boxes.
Certificates of sale issued by sheriff for property sold on court order, showing amount of judgment; dates of court order and filing; cause number; location and description of property; names of plaintiff, defendant, owner, and purchaser; amount of sale; and volume and page reference to recording. Arr. by dates of filing. Hdw. 97 file boxes, 5 x 4 x 10; 6 file boxes, 10 x 5 x 14. 97 file boxes, 1871-1936, rec. rm. 1, secs. 17, 26; 3 file boxes, 1936—, clk. off., rm. 26; 3 file boxes, 1937—, clk. off., rm. 28.

201. Lis Pendens, Redemption, 1881—. 3 vols. (4-6).
Transcripts of certificates of redemption in sheriff's sales of property in lis pendens actions, showing names of court, plaintiff, defendant, and redeemer; date of filing; description of property; right of redemption; amount of consideration; and volume and page reference to Lis Pendens, Sheriff's Certificate of Sale, entry 199. Indexed alph. by names of de-

fendants. 1881-1912, hdw.; 1913—, typed. 600 pp. 18 x 13 x 3. 2 vols., 1881-April 1916, clk. off., rm. 32; 1 vol., May 1916—, clk. off., rm. 26.

COMMITMENTS

202. WORKHOUSE RECORD, 1885-1919. 22 vols.
Register of prisoners committed to workhouse, showing name of prisoner, dates of commitment and release, amount of fine, and kind of clothing issued. Indexed alph. by names of prisoners. Hdw. Condition fair. 400 pp. 18 x 14 x 2½. Rec. rm. 5, sec. 16.

203. COMMITMENTS TO CORRECTIONAL AND BENEVOLENT INSTITUTIONS, 1854-1909. 2 vols.
Record of commitments, releases, and transfers of persons in state institutions, showing dates of commitment and release or transfer, names of inmate and institution, and reason for commitment. Hdw. 300 pp. 18 x 13 x 2. Rec. rm. 1, sec. 28.

204. [COMMITMENTS], 1854-1909. 2 bdls.
Orders of commitment of persons to state institutions, showing date of order, names of person and institution, and reason for commitment. Arr. by dates of orders. Hdw. 8 x 3 x 20. Rec. rm. 2, sec. 13.

JURIES AND WITNESSES

205. VENIRE FOR JURORS, 1874-77, 1923—. 16 file boxes.
Original orders of courts to clerk of the circuit court to issue a venire for jury to serve, and lists of names of persons drawn for jury service in civil and criminal causes, showing dates of issue and court term, and names and addresses of eligible persons. Arr. by dates of issue. Hdw. and typed. 12 file boxes, 5 x 4 x 10; 4 file boxes, 10 x 5 x 14. 12 file boxes, 1874-77, 1923-30, rec. rm. 1, sec. 11; 4 file boxes, 1927—, clk. off., rm. 24.

206. GRAND JURY WITNESS REGISTERS, 1872-75, 1896-97, 1908-15. 9 vols.
Register of witnesses appearing before grand jury, showing name and address of witness, title of cause, and date of service. Arr. alph. by names of witnesses. Hdw. 300 pp. 17 x 12 x 2. 3 vols., 1872-75, 1896-97, rec. rm. 1, secs. 31, 32; 1 vol., 1908-09, rec. rm. 3, sec. 15; 1 vol., 1911-12, rec. rm. 2, sec. 1; 4 vols., 1910, 1913-15, rec. rm. 5, sec. 22.

NATURALIZATION

207. INDEX NATURALIZATION, approx. 1857—. 2 vols.
Index to declaration and petition records for naturalization, showing name of applicant, and volume and page reference to recording. Arr. alph. by names of applicants. Hdw. 400 pp. 16 x 12 x 2. Clk. off., rm. 24.

208. DECLARATION OF INTENTION, 1857-87, 1892—. 27 vols. (numbering varies).
Record of aliens' declarations of intention to become naturalized citizens, showing name, age, and birthplace of alien; and dates of arrival in U. S. and declaration. Indexed alph. by names of aliens; for index, see entry 207. Hdw. Condition fair. 400 pp. 16 x 10 x 2. 3 vols., 1857-78, clk.

off., rm. 30; 21 vols., 1906-June 25, 1929, rec. rm. 2, sec. 10; 3 vols., 1879-87, 1892-1905, June 26, 1929—, clk. off., rm. 24.

209. Petition and Record, 1903-28. 20 vols. (1-20). Title varies: Naturalization Record. Discontinued 1928; papers now issued by Federal court.

Record of naturalization papers granted, showing date of application, name and address of applicant, renouncement of foreign allegiance, affidavits of witnesses, and court order admitting applicants to citizenship. Indexed alph. by names of applicants; for separate index, see entry 207. Hdw. 290 pp. 16 x 12 x 3. Clk. off., rm. 24.

210. Naturalization Facts, 1832-1906. 18 file boxes. Papers pertaining to history of applicants for naturalization, showing name, nationality, and occupation of applicant; and dates of first papers, application for final papers, and citizenship award. Hdw. 5 x 4 x 10. Rec. rm. 2, sec. 10.

POWERS OF ATTORNEY

(See also entry 140)

211. Power of Attorney, 1890—. 3 vols.

Record of transcripts of power of attorney authorizations, showing names of principal and agent, conditions, and date recorded. Indexed alph. by names of agents. Hdw. 560 pp. 18 x 14 x 3. Clk. off., rm. 24.

212. Power of Attorney, 1893-1923, 1927—. 12 pigeonholes, 1 file box.

Original authorizations of power of attorney, showing date of instrument, names of principal and agent, and limitations of power. Arr. by dates of instruments. Typed. Pigeonholes, 6 x 5 x 12; file box, 10 x 5 x 14. 12 pigeon holes, 1893-1923, rec. rm. 2, sec. 28; 1 file box, 1927—, clk. off., rm. 24.

ADMISSIONS TO BAR

213. Admission to Bar, 1822—. 1 vol.

Register of attorneys admitted to bar, showing names of attorney and court, date of order of admittance, and volume and page reference to recording of orders. Arr. alph. by names of attorneys. Hdw. 295 pp. 16 x 12 x 2. Clk. off., rm. 24.

214. Admissions and Suspensions to Bar, 1866-77. 9 file boxes.

Requests for admissions to and suspensions from the bar, showing name and address of attorney admitted or suspended, date of admission or suspension, and cause of suspension. Arr. alph. by names of attorneys. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

OPINIONS

215. Supreme Court Opinions, 1894-1900, 1918—. 27 file boxes.

Opinions of the supreme court of Indiana given in causes appealed from Marion County courts, showing date of filing; term of court; names of plaintiff, defendant, and judges; cause number; and court decision. Arr. by dates of filing. Typed. Condition fair. 8 file boxes, 5 x 4 x 10; 19 file boxes, 10 x 5 x 14; 8 file boxes, 1894-1900, rec. rm. 1, sec. 11; 19 file boxes, 1918—, clk. off., rm. 26.

SUPPORT ACCOUNTS

216. SUPPORT DOCKET, 1913—. 23 vols.
Record of money received and disbursed for the support of children and for alimony payments, showing dates and amounts received or disbursed, and names of payer and recipients. Arr. by cause nos. For index, see entry 217. Hdw. 400 pp. 15 x 12 x 3. 7 vols., 1913-20, rec. rm. 2, sec. 28; 16 vols., 1921—, clk. off., rm. 32.

For other records of alimony payments, see entry 219.

217. INDEX TO SUPPORT DOCKET, 1913—. 1 vol., 6 file drawers.
Index to Support Docket, entry 216, showing date and number of cause, names of payee and payer, and volume and page reference to recording. Arr. alph. by names of payees. Typed. Vol., 75 pp. 20 x 18 x 1; file drawers, 6 x 12 x 24. Clk. off., rm. 32.

218. [RECEIPTS FOR SUPPORT PAYMENTS], 1912—. 80 vols., 373 bdls.
Duplicate receipts for payments received in support causes, showing date and amount of receipt, and names of payer and payee. Arr. by dates of receipts. Hdw. Vols., 250 pp., 14 x 12 x 1; bdls., 14 x 12 x 6. 71 vols., 373 bdls., 1912-35, rec. rm. 2, secs. 13, 25; 5 vols., 1918-19, rec. rm. 5, sec. 20; 4 vols., 1935—, clk. off., rm. 32.

219. ALIMONY RECORD, 1915-20. 3 vols. (4-6).
Records of payment of money as alimony in divorce cases, showing cause number; names of plaintiff, defendant, and payer; and date and amount paid. Indexed alph. by names of defendants. Hdw. 600 pp. 18 x 13 x 4. Clk. off., rm. 24.

For subsequent records, see entry 216.

220. SUPPORT DOCKET FOR WORKHOUSE PRISONERS, 1917-20. 1 vol.
Record of money paid by county to families of persons confined in workhouse for failure to provide for children, showing names of inmate and payee, and dates and amounts received and disbursed. Arr. by dates of payments. Hdw. 300 pp. 18 x 12 x 1. Rec. rm. 2, sec. 28.

FEES AND FINES

221. REGISTER OF FEES AND FUNDS HELD IN TRUST, 1887—. 14 vols. (1-4, and 10 vols. not numbered). Title varies: Ledger of Trust Funds.
Record of court fees and trust funds held until proper disbursement is made, showing date and amount of receipt or disbursement, and names of trust and payer or payee. Arr. by dates received or disbursed. Hdw. 600 pp. 18 x 12 x 2½. 5 vols., 1887-98, rec. rm. 1, sec. 28; 5 vol., 1899-1921, rec. rm. 2, secs. 25, 32; 4 vols., 1922—, clk. off., rm. 24.

222. FEE BILLS, 1836-1924, 1930—. 26 vols. Title varies: Fee Book.
Record of fees assessed and collected in court actions, showing date of payment; names of payer, plaintiff, and defendant; cause number; and purpose of fee. Arr. alph. by names of plaintiffs. Hdw. Condition fair. 200 pp. 18 x 16 x 1. 25 vols., 1836-1924, rec. rm. 4, sec. 6; 1 vol., 1930—, clk. off., rm. 26.

223. [RECEIPTS], 1915-27, 1935—. 11 vol., 80 file boxes.
Stubs and duplicate copies of receipts issued for fines, fees, costs, judgments, assignments, and support, showing date, purpose, and amount of

payment; name of payer, cause number; and volume and page reference to recording. Arr. by dates of payments. Hdw. Vols., 175 pp. 14 x 12 x 1½; file boxes, 10 x 5 x 14. 11 vols., 1915-27, rec. rm. 2, sec. 28; 32 file boxes, 1935—, clk. off., rm. 30; 48 file boxes, 1936—, clk. off., rm. 24.

224. Fee Bills, 1931—. 5 file boxes.
Affidavits of medical examiners and witnesses in sanity inquests of days' compensation due for services rendered, showing dates of affidavit and filing, name of affiant, cause number, and volume and page reference to recording. Arr. by dates of filing. Hdw. 10 x 5 x 14. Clk. off., rm. 24.

225. Distribution [of Allowed Claims], 1927—. 1 vol.
Schedule of uncalled for allowed claims in court causes, showing cause number; number, date, and amount of claim; names of claimant and payer; and amount and date received. Arr. by dates of receipts. Hdw. 600 pp. 18 x 12 x 4. Clk. off., rm. 26.

226. Record of Fines, Docket and Jury Fees, 1887-1911. 2 vols.
Record of fines, and docket and jury fees paid in court actions, showing date and amount of payment, names of payer and court, and title of cause. Arr. by dates of payments. Hdw. 400 pp. 18 x 12 x 1½. Rec. rm. 1, sec. 28.

For subsequent records, see entry 78.

227. Office and Miscellaneous Fees, 1903-6. 1 vol.
Record of clerk's fees received and disbursed in court causes, showing date, amount, and purpose of receipt or disbursement; and name of payer or payee. Indexed alph. by names of payers or payees. Hdw. 600 pp. 16 x 12 x 2. Rec. rm. 1, sec. 28.

228. Index to Witness Fees, 1916. 1 vol.
Partial index to witness fees, showing date paid, names of plaintiff and defendant, cause number, and volume and page reference to recording. Arr. alph. by names of plaintiffs. Hdw. 400 pp. 17 x 12 x 2. Rec. rm. 2, sec. 2.

229. Witness Fees, 1860-1902. 13 file boxes.
Assignments of fees by witnesses, showing cause number; names of plaintiff, defendant, and witness; amount of fee; and date of assignment. Arr. by dates of assignments. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

VI. CRIMINAL COURT

The criminal court of Marion County, established as the criminal circuit court by an act of 1865,[1] and re-established as the criminal court by an act of 1881, consists of one judge[2] and has the same jurisdiction in criminal causes which is vested in the circuit court in the majority of the counties of Indiana.[3] The judge is elected by the voters of the county for a four-year term.[4]

Criminal jurisdiction was originally vested in the Marion Circuit

[1] Acts 1865 (Spec. Sess.), ch. 45, sec. 1.

[2] Acts 1881 (Spec. Sess.), Burns 4-2301, 4-2302; Baldwin 1744, 1745. Acts 1881 (Spec. Sess.), 1919; Burns 4-2309; Baldwin 1756.

[3] Acts 1881 (Spec. Sess.); Burns 4-2304; Baldwin 1751.

[4] Acts 1881 (Spec. Sess.); Burns 4-2302; Baldwin 1745.

Court.[5] An act of December 20, 1865, divided the Marion Circuit Court into the Marion Civil Circuit Court and the Marion Criminal Circuit Court.[6] The general assembly in 1852 had placed Marion County in the fifth circuit[7] and the act of 1865 continued Marion County Civil Circuit Court as a part of the fifth circuit[8] while another act of the same date constituted Marion County the sixteenth judicial circuit and established Marion County Criminal Circuit Court therein.[9] This division included the election of a judge and prosecuting attorney for the criminal circuit newly created, in addition to the judge and prosecuting attorney in the existing circuit.[10]

The supreme court of the state, in its May term, 1866, upheld the constitutionality of these acts of 1865 which were attacked on the grounds that they were special legislation and that they deprived the circuit court of jurisdiction as established by the constitution, and the Marion Criminal Circuit Court thereupon began to function.[11]

The Marion Criminal Circuit Court became the "Criminal Court of Marion County" by an act of 1881.[12] The criminal court is a court of record and has original exclusive jurisdiction within the county of all crimes and misdemeanors, where the penalty exceeds a fine of five hundred dollars or six months imprisonment in the county jail;[13] and concurrent jurisdiction with the municipal court[14] and justices of the peace[15] in all minor misdemeanors, except in those constituting violation of city ordinances or of state highway traffic laws, and except in bastardy cases where jurisdiction is by law conferred upon those courts. The criminal court has had no jurisdiction in causes relating to children since the establishment of the juvenile court in 1903.[16] It also has such appellate jurisdiction in criminal causes as the circuit court has in counties having no criminal court.[17]

Change of venue when the presiding judge is disqualified by reason of bias and prejudice or when excitement or prejudice prevails in the county against the defendant, may be obtained by the appointment of a special judge or by transfer of the cause to the circuit court of an adjoining circuit.[18] In all causes punishable by death a change of

[5] 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5. See essay on Circuit Court for prior citations.

[6] Acts 1865 (Spec. Sess.), ch. 45, sec. 1.

[7] Acts 1851-52 (special and local), ch. 21, sec. 5.

[8] Acts 1865 (Spec. Sess.), ch. 45, sec. 1.

[9] *Ibid.*, ch. 48, sec. 1.

[10] *Ibid.*, ch. 45, sec. 1; ch. 48, sec. 3.

[11] Combs v. State, 26 Ind. 98. Order Book, Criminal, 1866, p. 1 (see entry 240).

[12] Acts 1881 (Spec. Sess.); Burns 4-2301, 4-2310; Baldwin 1744, 1758.

[13] Acts 1881 (Spec. Sess.); Burns 4-2301, 4-2304; Baldwin 1744, 1751.

[14] Acts 1905, 1921; Burns 4-2402; Baldwin 15587. Acts 1925; Burns 4-2502; Baldwin 1717.

[15] 2 Rev. Stat. 1852; Burns 3-601; Baldwin 847. 2 Rev. Stat. 1852, Acts 1861; Burns 5-208; Baldwin 1859. Acts 1871; Burns 4-1411; Baldwin 1604. Acts 1881 (Spec. Sess.); Burns 3-547, 4-303; Baldwin 816, 1397.

[16] Acts 1903, 1913, 1935, 1937; Burns, 1937 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

[17] Acts 1881 (Spec. Sess.); Burns 4-2301, 4-2304; Baldwin 1744, 1751.

[18] Acts 1905; Burns 9-1303, 9-1304; Baldwin 2224, 2225. Acts 1905, 1927; Burns 9-1301; Baldwin 2222. Acts 1937; Burns, 1937 suppl., 9-1322, 9-1323; Baldwin, 1937 suppl., 2223-2, 2223-3.

venue must, upon request, be granted to the most convenient county.[19]

The judge is competent to act as judge of any circuit or superior court upon the trial of any cause or proceeding, whether civil or criminal, whenever called upon under the laws of change of venue.[20] If from any cause, he is unable to attend and preside at any term or during any part of a term, the judge may appoint, in writing, any attorney eligible to the office or any other judge of a court of record in the state, as judge pro tempore, to preside during such time.[21] The judge may also appoint, at any time when the business of the court becomes congested, a special judge to hear and determine all causes assigned to him by the presiding judge, and the special judge has the same power, authority, and jurisdiction over the causes assigned to him for trial as the presiding judge.[22]

The court holds terms twice a year beginning on the first Mondays of January and July and continuing for six months, and is, at all times, open for criminal trials and proceedings, if the business of the court requires it.[23]

The chief officers of the criminal court are the sheriff of the county, the prosecuting attorney of the circuit, and the clerk, who is the clerk of the circuit court.[24] The sheriff attends upon the court and performs the same duties as in the circuit court. The prosecuting attorney prosecutes the pleas of the state in the court. The clerk, by deputy, keeps the records which are the same as prescribed by law for the criminal business of the circuit court in counties not having a criminal court.[25] The judge appoints a chief clerk to administer oaths that may be found convenient or necessary.[26]

Records pertaining to all courts, entered together in such a way that they cannot be separated, are listed at the conclusion of the records of the circuit court. See entries 191-229.

The records are located in the courthouse.

Filing of Actions

230. Affidavit Record, 1882-1902, 1907-15, 1917—. 15 vols. (1-11, 3, and 3 vols. not numbered).

Transcripts of affidavits filed in criminal causes, showing date and number of affidavit, date of alleged offense, names of affiant and defendant, and complete statement as to nature of crime charged. Indexed alph. by names of defendants. Hdw. and typed. 700 pp. 18 x 13 x 4. 4 vols., 1882-87, 1907-15, rec. rm. 1, sec. 4; 1 vol., 1888-1902, rec. rm. 2, sec. 2; 1 vol., 1894, rec. rm. 3, sec. 4; 6 vols., 1917-26, 1929-30, crim. ct. anteroom; 3 vols., 1927-28, 1931—, crim. ct., rm. 58.

[19] Acts 1905; Burns 9-1305; Baldwin 2226.
[20] Acts 1881 (Spec. Sess.); Burns 4-2308; Baldwin 1755.
[21] Acts 1883; Burns 4-2311; Baldwin 1746.
[22] Acts 1923; Burns 4-2313; Baldwin 1747.
[23] Acts 1881 (Spec. Sess.); Burns 4-2309; Baldwin 1756.
[24] Acts 1881 (Spec. Sess.); Burns 4-2302; Baldwin 1745.
[25] Acts 1881 (Spec. Sess.); Burns 4-2303; Baldwin 1750.
[26] Acts 1921, 1925, 1935; Burns, 1937 suppl., 4-3106; Baldwin, 1935 suppl., 1429.

For prior records, see entry 154; for original affidavits, see entries 369, 434.

231. INDICTMENT RECORD, 1854-81, 1891—. 46 vols. (26-59, 49½, and 11 vols. not numbered).

Transcripts of indictments returned by grand jury, showing date of indictment, cause number, names of defendant and state's witnesses, and nature of charge. Indexed alph. by names of defendants. 1854-May 1932, hdw.; June 1932—, typed. 600 pp. 18 x 14 x 3½. 11 vols., 1854-81, rec. rm. 1, sec. 3; 31 vols., 1891-1931, crim. ct. anteroom; 4 vols., 1932—, crim. ct., rm. 58.

232. CRIMINAL GRAND JURY REPORTS, 1837-97. 32 file boxes.

Indictments and reports issued by grand jury, showing date of issue, name of defendant, and nature of charge. Arr. by dates of issue. Hdw. 5 x 4 x 10. Rec. rm. 2, secs. 29, 30.

BONDS

233. BOND RECORD, 1871-73, 1911-14, 1920—. 8 vols. (2-4, 1A-3A, and 2 vols. not numbered).

Record of bonds posted to guarantee the appearance of defendants in criminal causes, showing date of bond, nature of cause, amount of bond, and names of defendant and sureties. Indexed alph. by names of defendants. Hdw. 600 pp. 18 x 13 x 3½. 4 vols., 1871-73, 1911-14, rec. rm. 1, sec. 5; 2 vols., 1920-Apr. 4, 1926, crim. ct. anteroom; 2 vols., Apr. 5, 1926—, crim. ct., rm. 58.

234. [BONDS IN CRIMINAL CAUSES], 1835-38, 1866-1916. 52 file boxes.

Recognizance bonds filed to guarantee the appearance of defendants in court, showing date of filing, names of defendant and sureties, nature of offense, and amount of bond. Arr. by dates of filing. Hdw. 5 x 4 x 10. Rec. rm. 2, sec. 30.

235. CAPIAS AND BOND RECORD, 1913-24. 1 vol.

Record of capias issued for the arrests of defendants, and bonds posted in criminal causes, showing names of defendant and sureties, title of cause, date capias issued, sheriff's return, and amount of bond. Indexed alph. by names of defendants. Hdw. 150 pp. 16 x 12 x 1. Crim. ct., rm. 58.

COURT PROCEEDINGS

236. CLERK'S DOCKET, 1851-53, 1866-1908, 1915—. 72 vols. (numbering varies).

Clerk's notes of trials, proceedings, and orders in criminal causes, showing date of trial, name of defendant, cause number, amounts of fine and costs, and volume and page reference to Order Book, entry 240. Arr. by cause nos. For index, 1921—, see entry 237. Hdw. and typed. 750 pp. 18 x 14 x 3½. 47 vols., 1851-53, 1866-93, rec. rm. 1, secs. 1, 3; 6 vols., 1894-1908, rec. rm. 2, sec. 28; 5 vols., 1915-25, crim. ct. anteroom; 14 vols., 1920—, crim. ct., rm. 58.

237. INDEX [to Clerk's Docket], 1921—. 1 vol.
Partial index to Clerk's Docket, entry 236, showing names of state and defendant, date of action, cause number, and volume and page reference to recording. Arr. alph. by names of defendants. Hdw. 12 x 11 x 3½. Crim. ct., rm. 58.

238. DISPOSED OF CASES CLERK'S DOCKET, 1910—. 18 vols.
Record of causes tried in court, showing date filed, names of parties, nature of charge, minutes and action of court, amounts of fine and costs, and cause number. Arr. by cause nos. Hdw. 550 pp. 12 x 12 x 6. 10 vols., 1910-20, crim. ct. anteroom; 8 vols., 1921—, crim. ct., rm. 58.

239. JUDGE'S DOCKET, 1887-1919, 1930—. 37 vols. (13-37, and 12 vols. not numbered).
Judge's notes of trials, proceedings, and orders in criminal causes, showing dates of trial and disposition, name of defendant, cause number, and action taken. Indexed alph. by names of defendants. Hdw. 800 pp. 18 x 14 x 3½. 25 vols., 1887-1919, rec. rm. 1, secs. 1, 3; 4 vols., 1895-98, 1907-9, rec. rm. 2, sec. 28; 6 vols., 1931-36, crim. ct. anteroom; 2 vols., 1930—, crim. ct., rm. 58.

240. ORDER BOOK, CRIMINAL, 1866-85, 1888-98, 1902—. 83 vols. (36-92, and 26 vols. not numbered).
Transcripts of actions and proceedings in criminal causes, showing date of action, name of defendant, cause number, and disposition of cause. Indexed alph. by names of defendants. Hdw. 600 pp. 18 x 13 x 2½. 16 vols., 1866-83, rec. rm. 1, sec. 1; 10 vols., 1884-85, 1888-98, rec. rm. 2, sec. 28; 51 vols., 1902-Nov. 16, 1931, crim. ct. anteroom; 6 vols., Nov. 18, 1931—, crim. ct., rm. 56.

For prior records, see entries 174, 175.

241. CONVICTION RECORD, 1916—. 14 vols.
Record of conviction of defendants in criminal causes, showing date of conviction, cause number, name of defendant, nature of offense, and disposition of cause. Indexed alph. by names of defendants. Hdw. 600 pp. 18 x 13 x 3. 12 vols., 1916-30, crim. ct. anteroom; 2 vols., 1931—, crim. ct., rm. 58.

JUDGMENTS

242. JUDGMENT DOCKET, 1871—. 20 vols. (1-11, 5-11, and 2 vols. not numbered).
Record of judgments in criminal causes, showing cause number, name and age of defendant, date and amount of judgment, and volume and page reference to Order Book, Criminal, entry 240. Indexed alph. by names of defendants. Hdw. 300 pp. 16 x 14 x 3. 3 vols., 1871-1908, clk. off., rm. 30; 2 vols., 1905-14, rec. rm. 2, sec. 28; 6 vols., 1909-28, crim. ct. anteroom; 7 vols., 1909—, clk. off., rm. 26; 2 vols., 1929—, crim. ct., rm. 58.

For prior records, see entries 176, 177.

243. CLERK'S DOCKET OF JUDGMENTS WITHHELD, 1915—. 3 vols. (2-4).
Record of criminal causes in which judgments are withheld by court pending good behavior of the defendant, showing date of judgment,

cause number, name of defendant, and nature of offense. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 12 x 2. Crim. ct., rm. 58.

244. Clerk's Docket, Suspended Sentences, 1903—. 4 vols. (1, 4, and 2 vols. not numbered).

Record of suspended sentences, showing date of conviction, name of defendant, nature of charge, cause number, and term of court. Indexed alph. by names of defendants. Hdw. 150 pp. 18 x 12 x 1¼. 2 vols., 1903-15, crim. ct. anteroom; 2 vols., 1916—, crim. ct., rm. 58.

Appeals

245. Record of Appeals to Appellate and Supreme Courts, 1928—. 2 vols.

Record of causes appealed to higher courts, showing names of defendant, sureties, and higher court; cause number; date of appeal; and amount of bond. Arr. by cause nos. Hdw. 300 pp. 18 x 12 x 2. 1 vol., 1928-31, crim. ct. anteroom; 1 vol., 1932—, crim. ct., rm. 58.

246. Appeal Bond Record, Supreme Court, 1911—. 4 vols. (1B, 2B, and 2 vols. not numbered).

Record of bonds posted by defendants in criminal causes appealed to higher courts, showing date and amount of bond, cause number, nature of offense, and names of principal and sureties. Indexed alph. by names of principals. Hdw. 600 pp. 18 x 13 x 3. 3 vols., 1911-16, rec. rm. 1, sec. 5; 1 vol., 1917—, crim. ct., rm. 58.

247. Appeal Bonds, 1931—. 1 file box.

Bonds given to insure payment of court costs in causes appealed to higher courts, showing dates of bond and filing, names of principal and sureties, and amount and conditions of bond. Arr. by dates of filing. Typed. 10 x 5 x 14. Clk. off., rm. 24.

248. Stay Docket, 1928—. 1 vol.

Record of allowance of time for payment of fines, showing date of conviction, name of defendant, cause number, amount of fine, period allowed, and nature of offense. Indexed alph. by names of defendants. Hdw. 265 pp. 18 x 12 x 2. Crim. ct., rm. 58.

Fines and Costs

249. Fines and Cost Record, 1922—. 3 vols. (2-4).

Record of fines assessed and court costs collected in criminal causes, showing cause and receipt numbers, name and residence of defendant, name of employer, amounts of fine and costs, and dates assessed and collected. Arr. by dates assessed. Hdw. 10 x 8 x ½. 1 vol., 1922-25, crim. ct. anteroom; 2 vols., 1926—, crim. ct., rm. 58.

250. Receipt Books for Fines and Costs, 1919—. 84 vols.

Stubs of receipts issued to defendants for payment of fines and court costs, showing date of receipt, name of payer, amount of payment, and cause number. Arr. by dates of receipts. Hdw. 50 pp. 10 x 8 x ½. Crim. ct. anteroom.

251. Restitution Record, 1919—. 4 vols. (1-4).

Record of payments made by defendants in criminal causes to restore

stolen or damaged property by an order of the court, showing date and amount of payment; names of defendant, payer, and payee; and cause and receipt numbers. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 12 x 2. Crim. ct., rm. 58.

252. Juror's Time Book, 1906-11, 1919—. 4 vols.
Record of time served by members of juries, showing name of juror, date and number of days of service, court term, and amount earned. Arr. by court terms. Hdw. 75 pp. 15 x 11 x ¾. 2 vols., 1906-11, 1931—, crim. ct., rm. 58; 2 vols., 1919-30, crim. ct. anteroom.

VII. SUPERIOR COURT

The superior court of Marion County, established by an act of 1871 as amended in 1907, consists of five judges[1] and has general jurisdiction co-ordinate with that of the circuit court.[2] The judges are elected by the qualified voters of the county for four-year terms.[3] The court is divided into five rooms, numbered consecutively 1 to 5, and the judges are elected by rooms, although any one judge has full power and authority to sit in any other room.[4] The court is known officially as the "Superior Court of Marion County,"[5] though frequently and legally referred to as the Marion Superior Court,[6] and the courts have held that it is one court although there are several judges.[7]

The creation of the superior court was designed as a means to relieve the overcrowded docket of the circuit court, to expedite the disposition of causes and the administering of justice, and to provide a more convenient method of change of venue. By the act of establishment, the first session of the court was held March 6, 1871, and consisted of three judges, each holding court separately.[8] An amendatory act of 1877 increased the number of judges to four.[9] Two years later this was repealed[10] and the court continued with three judges until 1907, when the present system was established.

From 1911 to 1913 one room was combined with the Shelby Superior Court. The general assembly in 1911 created the judicial district of the Marion and Shelby Superior Court of the State of Indiana, uniting the Shelby Superior Court, also created by the same act, with room five of the Marion Superior Court,[11] and in 1913 dissolved this district, abolishing the Shelby Superior Court, and continued room five as a part of the Marion Superior Court.[12] This district was divided by counties, as are

[1] Acts 1871, 1877, 1879, 1907; Burns 4-1401; Baldwin 1595.
[2] Acts 1871; Burns 4-1411; Baldwin 1604.
[3] Acts 1871, 1877, 1879, 1907; Burns 4-1401; Baldwin 1595.
[4] Acts 1907; Burns 4-1402; Baldwin 1446.
[5] Acts 1871; Burns 4-1403; Baldwin 1596.
[6] Indianapolis St. R. Co. v. Lawn, 30 App. 515, 66 N. E. 508.
[7] Richcreek v. Russell, 34 App. 217, 72 N. E. 617.
[8] Acts 1871, ch. 22, secs. 1, 13, 15.
[9] Acts 1877, ch. 30, sec. 1.
[10] Acts 1879, ch. 41, secs. 1, 2, 4.
[11] Acts 1911, ch. 67, secs. 1, 4.
[12] Acts 1913, ch. 2, sec. 3.

the circuits: Each court, styled according to the name of the county in which it was held, constituted a separate court with the same judge but with the clerk and sheriff of its county as officers, and used a separate seal in issuing all process.[13] Each court of this district had the same jurisdiction as the circuit court of its respective county in causes and actions at law and in equity, and in actions for divorce, as well as jurisdiction in any civil action or divorce cause transferred to it by the circuit court.[14]

The superior court of Marion County is a court of record and of general jurisdiction. It has original concurrent jurisdiction with the circuit court in all civil causes except bastardy where exclusive jurisdiction is conferred by law upon justices of the peace and except slander;[15] and concurrent jurisdiction with the circuit and probate courts in proceedings in partition, applications for the appointment of receivers and actions against corporations by creditors or stockholders, applications for writs of habeas corpus, proceedings to resist probate of wills and proceedings to contest wills, complaints to construe wills and to dissolve trusts, and all actions by and against executors, administrators, guardians, assignees, and trustees.[16] It has concurrent jurisdiction with the circuit court and the justices of the peace in causes not exceeding two hundred dollars,[17] and concurrent jurisdiction with the circuit court in all other causes, matters, and proceedings where exclusive jurisdiction thereof is not conferred by law upon some other court, board, or officer. It has such appellate jurisdiction concurrent with the circuit court, as is conferred by law, from justices of the peace, commissioners' court,[18] municipal court, and other courts, boards, or officers,[19] except in appeals from the municipal court in violations of city ordinances;[20] but appeals from judgment of justices of the peace in civil causes are taken to the superior court except upon written direction of the appellant (in such cases the appeal is taken to the circuit court).[21]

Change of venue when the presiding judge is disqualified by reason of bias, interest, or other cause specified by statute, may be obtained by appointment of a special judge or by transfer to the circuit court of Marion County or of any adjoining circuit.[22] The selection of a special

[13] Acts 1911, ch. 67, secs. 8-11.

[14] *Ibid.*, secs. 5, 19½.

[15] 2 Rev. Stat. 1852; Burns 3-601; Baldwin 847. 2 Rev. Stat. 1852, Acts 1861; Burns 5-208; Baldwin 1859. Acts 1871; Burns 4-1411; Baldwin 1604. Acts 1881 (Spec. Sess.); Burns 3-547, 4-303; Baldwin 816, 1397.

[16] Acts 1871, Burns 4-1411; Baldwin 1604. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1907, 1917; Burns 4-2910; Baldwin 1786.

[17] 2 Rev. Stat. 1852, Acts 1861; Burns 5-208; Baldwin 1859. Acts 1871; Burns 4-1411; Baldwin 1604.

[18] Sessions of the board of commissioners in the trial of causes concerning county business (see pp. 54, 55).

[19] Acts 1871, Burns 4-1411; Baldwin 1604; Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

[20] Acts 1925, Burns 4-2711; Baldwin 1726.

[21] Acts 1921, Burns 5-1002; Baldwin 1932.

[22] Acts 1881 (Spec. Sess.); Burns 2-1401, 2-1406, 2-1407, 2-1410; Baldwin 190, 191, 206. Acts 1903; Burns 2-1411; Baldwin 195. Acts 1905, 1907; Burns 2-1409; Baldwin 207. Acts 1911; Burns 4-401; Baldwin 1419. Acts 1913, 1929, Burns 2-1402; Baldwin 193.

judge to sit in any room is allowed whenever the duly elected judge is unable to attend, or in any case where the presiding judge is disqualified except in divorce proceedings.[23] A judge of the superior court may upon his own motion transfer any action filed in the superior court to the circuit court.[24]

The court meets in general terms and special terms: General terms for the distribution and redistribution of the business of the court are held at such times as business may require, by a majority of the judges, who designate one of their number as presiding judge. All causes are numbered in one consecutive series as filed and are assigned by the judges to the special terms of their respective rooms as they deem proper.[25] Special terms for the transaction of business are held monthly, except in July and August, each judge sitting in his proper courtroom with the option of calling one or more of his colleagues to sit with him in any particular case. These terms are called by the names of the months, and begin on the first Monday and continue until next term-time unless adjourned by the judges; but whenever a trial is in progress the term is extended until the close of the trial. Terms may be held in July and August if directed by the court at a general term.[26]

The court has the same powers as the circuit court to issue all process, executions, and injunctions, and to make all proper judgments, decrees, and orders. It also has all the power incident to a court of record to compel attendance of witnesses, to punish contempts, and to enforce its orders. The judges adopt rules and regulations for conducting the business of the court and have full power and authority to administer oaths; take and certify acknowledgments of deeds; give all necessary certificates for the authentication of the records and proceedings in the court; grant restraining orders and writs of ne exeat and habeas corpus and of mandate and prohibition; and appoint receivers, master commissioners, commissioners to convey real property, and such other officers as are necessary to facilitate and transact the business of the court.[27]

The county seat of Marion County is Indianapolis, also the state capital. For this reason the superior court of Marion County is granted jurisdiction of claims against the State of Indiana under the laws, rules, and regulations governing civil actions, except that cases are tried by all the judges of the court sitting together without a jury. Any persons claiming a money demand against the state, arising at law or in equity, out of contract, express or implied, accruing within fifteen years from the time of the commencement of the action, may file a complaint with the clerk of the court.[28] Such cases are defended by the attorney general

[23] Acts 1929, Burns 2-1408, 4-402; Baldwin 192, 1447. For discussion of procedure in divorce cases, see Powell v. Powell, 104 Ind. 18, 3 N. E. 639.

[24] Acts 1911; Burns 4-401; Baldwin 1419.

[25] Acts 1871; Burns 4-1414; Baldwin 1607. Acts 1881 (Spec. Sess.); Burns 4-1416; 4-1417; Baldwin 1609, 1610.

[26] Acts 1871; Burns 4-1407 to 4-1409; Baldwin 1600 to 1602. Acts 1881 (Spec. Sess.); Burns 4-1416, 4-1417; Baldwin 1609, 1610.

[27] Acts 1871; Burns 4-1412 to 4-1414; Baldwin 1605 to 1607. Acts 1881 (Spec. Sess.); Burns 4-1417, 4-1418; Baldwin 1610, 1611.

[28] Acts 1889, 1895; Burns 4-1501; Baldwin 1617.

of the state.[29] If final judgment is given against the state, no execution issues, but the judgment draws interest from the date of adjournment of the next session of the general assembly until it is paid.[30]

The chief officers of the superior court are the sheriff and the clerk. The sheriff attends upon the court and serves all process directed to him therefrom.[31] The clerk of the circuit court is ex officio the clerk of the superior court and provides the necessary record books for the court, keeping all the books, papers, and proceedings of the superior court distinct and separate from those of the other courts.[32]

Records pertaining to all courts, entered together in such a way that they cannot be separated, are listed at the conclusion of the records of the circuit court. See entries 191-229.

The records are located in the courthouse.

Filing of Actions

253. Entry Docket, 1871—. 257 vols. (1-257).
Record of causes filed for court action, showing cause number; date of filing; nature of action; and names of plaintiff, defendant, and attorneys. Indexed alph. by names of plaintiffs, for separate index, 1871-1929, see entry 254. Hdw. 750 pp. 14 x 12 x 3½. 134 vols., 1871-1916, clk. off., rm. 32; 123 vols., 1917—, clk. off., rm. 26.

254. General Index to Entry Docket, 1871-1929. 16 vols., 23 file drawers. (Vols. 1, 2, 1-14.)
Partial index to Entry Docket, entry 253, showing names of plaintiff and defendant, date cause filed, cause number, and volume and page reference to recording. Arr. alph. by names of plaintiffs and defendants. Hdw. and typed. Vols., 600 pp. 18 x 12 x 4; file drawers, 5 x 14 x 24. 14 vols., 1871-1906, rec. rm. 1, sec. 5; 23 file drawers, 1905-18, rec. rm. 7, sec. 2; 2 vols., 1919-29, rec. rm. 2, sec. 22.

255. Divorce Index, 1912—. 6 vols. (1-6).
Record of names of parties to divorce causes in superior court, showing date of action, cause number, and names of plaintiff and defendant. Arr. alph. by names of plaintiffs. Hdw. 200 pp. 14 x 8 x 2. Clk. off., rm. 26.

256. Praecipe, Trials Requested, 1923—. 3 vols.
Record of requests by attorneys for causes to be tried, showing date of request; names of plaintiff, defendant, and attorneys; and cause number. Arr. by dates of request. Hdw. 500 pp. 15 x 9 x 3. 2 vols., 1923-30, rec. rm. 2, sec. 28; 1 vol., 1923—, supr. ct. rm. 4, rm. 57.

[29] Acts 1889, 1895; Burns 4-1504; Baldwin 1620.
[30] Acts 1889; Burns 4-1506; Baldwin 1622.
[31] Acts 1871; Burns 4-1404, 4-1405; Baldwin 1597, 1598.
[32] Acts 1871; Burns 4-1405, 4-1415; Baldwin 1598, 1608.

Documents in Court Actions

257. [Papers in Court Causes], 1871—. 1030 file boxes, 5 file drawers, 10,571 bdls.

Original instruments filed in civil court causes, including summons, certified copies of orders, subpenas, attorneys' appearances, complaints, decrees, title grants, proofs of publication, and affidavits for quiet title, showing cause number, date and kind of instrument, nature of action, and names of plaintiff and defendant. Arr. by cause nos. Hdw. and typed. 4 file boxes, 5 x 4 x 10; 1026 file boxes, 10 x 5 x 14; file drawers, 12 x 17 x 30; bdls., 6 x 4 x 10. 4 file boxes, 6,828 bdls., 1871-1920, rec. rm. 1, secs. 8, 27, 36; 3,743 bdls., 1874-1909, 1915-16, 1919-35, rec. rm. 2, secs. 3-10, 15, 17, 18, 20, 21; 30 file boxes, 1931—, clk. off., rm. 30; 819 file boxes, 1932—, clk. off., rm. 26; 42 file boxes, 1936—, supr. ct. rm. 1, rm. 46; 13 file boxes, 5 file drawers, 1934—, supr. ct. rm. 2, rm. 62; 24 file boxes, 1936—, supr. ct. rm. 3, rm. 61; 36 file boxes, 1933—, supr. ct. rm. 4, rm. 57; 62 file boxes, 1933—, supr. ct. rm. 5, rm. 75.

258. Receivership Cases, 1929—. 6 file drawers.

Original documents filed in receivership causes, including petitions, inventories, appraisals, claims, credits, assignments, and reports, showing date of filing names of firm and receiver, and amounts of assets and liabilities. Arr. by dates of filing. Hdw. 12 x 17 x 30. 4 file drawers, 1929—, supr. ct. rm. 4, rm. 57; 2 file drawers, 1930—, supr. ct. rm. 2, rm. 62.

Bonds

259. Superior Court Bonds, 1908—. 16 file boxes.

Original bonds posted to insure payment of damages, judgments, and costs in various civil causes, showing dates of bond and filing, cause number, names of principal and sureties, and amount and conditions of bond. Arr. by cause nos. Hdw. and typed. 10 x 5 x 14. Clk. off., rm. 24.

Court Proceedings

minutes

260. Issue Docket, 1871—. 231 vols. (numbering varies).

Minutes of actions, proceedings, and rulings of superior court in civil causes, showing nature and number of cause; dates of actions and trial; names of plaintiff, defendant, and attorneys; disposition of cause; and volume and page reference to Order Book, entry 265. Indexed alph. by names of plaintiffs; for separate index, 1917—, see entry 261. Hdw. and typed. 700 pp. 18 x 13 x 3. 146 vols., 1871-1919, rec. rm. 1, secs. 4, 5, 7, 25; 14 vols., 1922—, supr. ct. rm. 1, rm. 46; 20 vols., 1919—, supr. ct. rm. 2, rm. 62; 20 vols., 1922—, supr. ct. rm. 3, rm. 61; 21 vols., 1917—, supr. ct. rm. 4, rm. 57; 10 vols., 1930—, supr. ct. rm. 5, rm. 75.

261. Index to Issue Docket, 1917—. 4 vols.

Partial index to Issue Docket, entry 260, showing names of plaintiff and defendant, and cause number. Arr. alph. by names of plaintiffs. Hdw. and typed. 400 pp. 12 x 10 x 4. 1 vol., 1919, supr. ct. rm. 2, rm. 62;

1 vol., 1922—, supr. ct. rm. 3, rm. 61; 1 vol., 1917—, supr. ct. rm. 4, rm. 57; 1 vol., 1930—, supr. ct. rm. 5, rm. 75.

262. Receiverships, 1925—. 3 vols.
Minutes of proceedings in receivership actions, showing dates of filing and court term, names of receivership and receiver, and action taken. Indexed alph. by names of receiverships. Hdw. and typed. 140 pp. 12 x 11 x 1½. 1 vol., 1925—, supr. ct. rm. 2, rm. 62; 1 vol., 1927—, supr. ct. rm. 4, rm. 57; 1 vol., 1931—, supr. ct. rm. 5, rm. 75.

For papers in receivership causes, see entry 258.

263. Receivers' Index, 1913—. 2 vols. (1, 2).
Record of names of defendants in receivership causes, showing date petition for receiver filed, names of defendant and court, and cause number. Arr. alph. by names of defendants. Hdw. 300 pp. 16 x 12 x 2. Clk. off., rm. 26.

264. Court Docket, 1871-1919. 163 vols.
Docket of causes arranged for trial in superior court, showing names of plaintiff and defendant; date, number, and nature of cause; and minutes of court. Indexed alph. by names of plaintiffs. Hdw. 600 pp. 18 x 13 x 3. Rec. rm. 1, secs. 3-5, 7.

ORDERS

265. Order Book, 1871—. 621 vols. (numbering varies).
Record of orders and proceedings of court in causes tried in all superior courtrooms, showing date of court term; names of plaintiff, defendant, and judge; cause number; kind of action; and disposition of cause. Arr. by dates of court terms. Hdw. and typed. 600 pp. 18 x 14 x 3. 614 vols., 1871-1936, clk. off., rm. 30; 2 vols., 1932—, supr. ct. rm. 5, rm. 75; 1 vol., 1937—, supr. ct. rm. 1, rm. 46; 1 vol., 1937—, supr. ct. rm. 2, rm. 62; 3 vols., 1938—, supr. ct. rm. 4, rm. 57; 1 vol., 1938—, supr. ct. rm. 3, rm. 61.

266. Restraining Orders, 1892-1925. 1 carton.
Orders issued by court restraining persons from doing certain specified acts pending settlement of cause in court, showing date of issue, names of plaintiff and defendant, cause number, and action prohibited. Arr. by cause nos. Hdw. 20 x 18 x 18. Rec. rm. 1, sec. 11.

For subsequent records, see entry 257.

JUDGMENTS

267. Judgment Docket, 1871—. 131 vols. (numbering varies).
Record of judgments rendered by court, showing names of plaintiff and defendant, cause number, date and amount of judgment, and volume and page references to Order Book, entry 265, and Decree Execution Docket, entry 269. Arr. alph. by names of defendants. Hdw. 300 pp. 16 x 14 x 3. 49 vols., 1871-1905, rec. rm. 2, sec. 29; 20 vols., 1906-15, clk. off., rm. 30; 60 vols., 1916—, clk. off., rm. 26. 1 vol., 1936—, supr. ct. rm. 2, rm. 62; 1 vol., 1938—, supr. ct. rm. 5, rm. 75.

268. Special Judge, Jury Verdicts, 1931—. 1 file box.
Jury verdicts in causes tried under special judges, showing date of trial; nature of action; cause number; names of plaintiff, defendant, and judge; and verdict of jury. Arr. by dates of trials. Typed. 10 x 5 x 14. Supr. ct. rm. 1, rm. 46.

EXECUTIONS

269. Decree Execution Docket, 1871—. 82 vols. (1-82).
Record of executions on judgments rendered by court, showing date of execution, cause number, names of plaintiff and defendant, description of property involved, and sheriff's return. Indexed alph. by names of defendants. Hdw. 400 pp. 18 x 10 x 2½. 62 vols., 1871-1914, rec. rm. 2, sec. 22; 20 vols., 1915—, clk. off., rm. 26.

270. Executions, 1871—. 659 file boxes.
Writs of executions issued to satisfy judgments, showing dates of filing, trial, and service; cause number; names of plaintiff and defendant; amounts of judgment and interest; and period of time allowed for payment of judgment. Arr. by dates of filing. Hdw. 587 file boxes, 5 x 4 x 10; 72 file boxes, 10 x 5 x 14. 587 file boxes, 1871-Nov. 12, 1917, rec. rm. 2, secs. 22-24; 72 file boxes, Nov. 22, 1917—, clk. off., rm. 30.

COMPLETE TRANSCRIPTS

271. Complete Record, 1871—. 254 vols. (1-254).
Complete transcripts of all actions and proceedings in court involving titles of real estate showing cause number, date of filing, names of plaintiff and defendant, and location and description of property. Indexed alph. by names of plaintiffs. 1871-1906, hdw.; 1907—, typed. 600 pp. 20 x 13 x 3½. Clk. off., rm. 30.

Miscellaneous

272. Pro Tem Judges, 1931—. 1 file box.
Appointments of judges to serve in absences of regular judges, showing date of appointment, and names of court and judge. Arr. by dates of appointments. Typed. 10 x 5 x 14. Supr. ct. rm. 1, rm. 46.

273. Jurors' Time Books, Superior Court, 1876-1918. 5 vols.
Record of time served by jurors, showing date of service, name of juror, and time served. Arr. by dates of service. Hdw. 200 pp. 12 x 10 x 1. Rec. rm. 1, secs. 3, 4, 7.

274. Petition for Drainage, 1910. 2 vols.
Record of petitions before superior court for drainage ditches, showing dates of petition and court term; names of petitioners, adjoining land owners, and units affected; location and description of land; and description of proposed drain. Arr. by dates of court terms. Typed. 850 pp. 12 x 12 x 10. Rec. rm. 1, sec. 25.

VIII. JUVENILE COURT

The juvenile court of Marion County established by an act of 1903, is a special court consisting of one judge and has jurisdiction in all causes relating to children in the county. It is known legally as the "Juvenile Court." The judge is elected by the qualified voters of the county for a four-year term and must have been a member of the bar of the circuit court of Marion County for at least three years, unless he

is a person of mature human experience, and, at the time of election, has been a citizen of the United States and a practicing attorney or judge for a period of at least five years.[1] The judge appoints at least two juvenile referees, one of whom must possess the same qualifications as the judge, and one of whom must be appointed from that element of the population which provides the greatest per capita case load of the court (negro), and both referees must be persons well qualified and peculiarly fitted for the work which they are required to perform.[2]

The court has jurisdiction in all causes relating to children, including juvenile delinquents, truants, neglected and dependent children, and all other causes where the custody or legal punishment of children is in question, but the court does not have probate jurisdiction.[3]

The judge may assign to the juvenile referees causes to hear and determine, and the finding of the referee stands as the finding and judgment of the court, unless modified or set aside by the judge.[4]

An appeal to the appellate court lies from any decision or judgment of the juvenile court, except when there has been a plea of guilty.[5]

The judge also appoints from an eligible list established by the state probation department, one chief probation officer, one chief adult probation officer, and one assistant probation officer for every fifty thousand population, who serve at his pleasure, to investigate in cases of juvenile delinquency the charges, inquire into the home environment of the child, and in all other juvenile causes to determine the facts and make recommendations to the judge.[6]

The judge of any court of the county, having competent jurisdiction in proceedings for a divorce involving minor children, may request the judge of the juvenile court to assign a probation officer to investigate the facts and circumstances in the matter, and report to the judge of the court in which the action is pending.[7]

The clerk of the circuit court is the clerk of the juvenile court and keeps a record of the proceedings.[8]

Records pertaining to all courts, entered together in such a way that they cannot be separated, are listed at the conclusion of the records of the circuit court. See entries 191-229.

The records are located in the courthouse.

[1] Acts 1903, 1913, 1931, 1935, 1937; Burns, 1937 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

[2] *Ibid.*

[3] *Ibid.*

[4] *Ibid.* Acts 1923; Burns 9-2826; Baldwin 1774.

[5] Acts 1907; Burns 9-2818; Baldwin 1772.

[6] Acts 1903, 1919, 1925; Burns 9-2820; Baldwin 1760. Acts 1933; Burns 9-2904; Baldwin 15340.

[7] Acts 1937; Burns, 1937 suppl., 9-2801b; Baldwin, 1937 suppl., 1759-1.

[8] Acts 1903, 1913, 1931, 1935, 1937; Burns, 1937 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

Filing of Actions

275. Juvenile Court Docket, 1903-6, 1910—. 18 vols. (numbering varies).

Record of original filing of juvenile causes, showing date of trial, name of defendant, nature of charge, and number and disposition of cause. Indexed alph. by names of defendants. Hdw. 550 pp. 18 x 13 x 2¾. 15 vols., 1903-6, 1915-June 22, 1922, Jan. 24, 1924—, clk. off., rm. 32; 3 vols., 1910-14, June 21, 1922-Jan. 23, 1924, juv. ct., rm. 20.

276. State Juvenile Docket, 1903-13. 1 vol.

Docket of causes of children charged with criminal offenses, showing date of filing, names of defendant and affiant, nature of charge, and number and disposition of cause. Indexed alph. by names of defendants. Hdw. 600 pp. 18 x 13 x 3. Rec. rm. 2, sec. 28.

Investigations

277. Investigators' Case Report, 1931—. 1 vol.

Reports to court of investigations of juvenile delinquency causes, showing dates of investigation and report, names and addresses of parents and children, family history, and disposition of cause. Arr. by dates of reports. Hdw. 150 pp. 10 x 7 x 1½. Juv. ct., rm. 22.

278. [Case History Cards], 1907-17, 1921—. 5 bdls. 30 file drawers (labeling varies).

Card records of case histories of families involved in juvenile court causes, showing names, ages, and color of parents; place of employment; amount of wages; nature of action; and number of children in family. Arr. alph. by names of parents. Hdw. Bdls., 7 x 7 x 10; file drawers, 9 x 12 x 25. 5 bdls., 1907-17, rec. rm. 2, sec. 28; 30 file drawers, 1921—, juv. ct., rm. 14.

Documents in Court Actions

279. Juvenile Causes, 1922—. 11 file drawers.

Original papers pertaining to juvenile causes, showing date of action, names and addresses of parents and children, age of each child, nature of offense, and family history. Arr. alph. by names of children. Hdw. 12 x 12 x 24. Juv. ct., rm. 22.

280. [Children's Cases], 1903—. 21 pigeonholes, 169 file boxes.

Affidavits of complaints, warrants, and commitments in cases of delinquent and neglected children, showing date of action, case number, name of child, nature of complaint, and action taken. Arr. by case nos. Hdw. and typed. Pigeonholes, 20 x 10 x 12; file boxes, 10 x 5 x 14. 21 pigeonholes, 1903-June 4, 1918, rec. rm. 2, sec. 28; 169 file boxes, June 8, 1918—, juv. ct., rm. 14.

For record of commitments, see entries 294, 295.

281. [Index Cards to Children's Cases], 1903—. 30 file drawers.

Index to [Children's Cases], entry 280, showing date of trial; name, sex, color, age, nationality, school grade, and address of child; case number; nature of charge; and disposition of case. Arr. alph. by names of children. Typed. 5 x 6 x 16. Juv. ct., rm. 14.

282. [Adult Causes], 1905—. 96 bdls., 171 file boxes.
Original papers pertaining to adult causes in juvenile court, including petitions for investigation, petitions for dependent and neglected children, and certificates of parentage, showing date of filing; names of children, plaintiff, and defendant; and nature of charge. Arr. by dates of filing. Hdw. Bdls., 10 x 4 x 12, file boxes, 10 x 5 x 14. 96 bdls., 1905-20, rec. rm. 2, sec. 28; 171 file boxes, 1921—, juv. ct., rm. 14.

283. Contributing to Delinquency, 1920—. 40 file boxes.
Original instruments pertaining to causes of contributing to delinquency of children, including affidavits of complaints, writs, motions, denials, demurrers, and court orders, showing date of action, cause number, names of child and defendant, nature of offense, and disposition of cause. Arr. alph. by names of defendants. Typed. 10 x 5 x 14. Juv. ct., rm. 14.

284. [Riley Hospital Petitions], 1926—. 29 file boxes.
Petitions for admittance of children to Riley Hospital, showing date of petition, names of child and parents, nature of illness or deformity, and number and history of case. Arr. by case nos. Hdw. 10 x 5 x 14. Juv. ct., rm. 14.

285. Adoptions, 1930—. 22 file boxes (421-442).
Papers pertaining to adoption causes, including petitions for consent and adoption, and orders for adoption, showing dates of filing and adoption; names of petitioners; and name, age, and foster name of child. Arr. by dates of filing. Hdw. 10 x 5 x 14. Clk. off., rm. 28.

For prior records, see entries 290, 291.

Bonds

286. Bonds [Juvenile Court], 1935—. 2 file boxes.
Bonds filed to guarantee appearance of defendants in court, showing dates of filing and trial, name and address of defendant, amount of bond, nature of offense, and names of sureties. Arr. by dates of filing. Hdw. 10 x 5 x 14. Clk. off., rm. 32.

Court Proceedings

287. Cases Tried in Juvenile Court, 1932—. 6 vols.
Record of trials of adults charged with contributing to delinquency of juveniles, showing nature and number of cause, name of defendant, date of trial, court proceedings, and disposition of cause. Arr. by dates of trials. Hdw. 150 pp. 15 x 12 x 1. Juv. ct., rm. 20.

288. Order Books, 1903—. 30 vols. (numbering varies).
Original court orders and transcripts of proceedings in juvenile causes, showing date of action, number and nature of cause, name of child or defendant, and disposition of cause. Indexed alph. by names of children or defendants. 1903-30, hdw.; 1931—, typed. 550 pp. 18 x 13 x 3. 13 vols., 1903-18, juv. ct., rm. 20; 17 vols., 1919—, clk. off., rm. 32.

289. Order Book, Riley Hospital, 1924—. 22 vols. (1-22).
Court orders and transcripts of proceedings to admit children to Riley Hospital, showing date of action, names of child and examining physician, nature of illness or deformity, age of child, and health history of family.

Indexed alph. by names of children. Hdw. 600 pp. 18 x 13 x 3. 8 vols., 1924-32, juv. ct., rm. 20; 14 vols., 1933—, clk. off., rm. 32.

290. Record of Board of Children's Guardians, 1896-1912. 4 vols. (1, 2, 1, 2).

Record of petitions filed by board of children's guardians asking for custody and control of minors, showing date and kind of petition, name of ward, court proceedings, and amount of court costs. Indexed alph. by names of wards. Hdw. 350 pp. 16 x 11 x 3. Rec. rm. 2, sec. 28.

291. Adoption Record, 1863—. 3 vols. (1-3).

Record of adoptions of children, showing date of adoption, names of child and foster parents, amount of fee, file box number, and volume and page reference to recording of court order. Indexed alph. by names of children and foster parents. 1863-1923, hdw.; 1924—, typed. 250 pp. 18 x 12 x 2. Clk. off., rm. 28.

For other adoption records, see entries 285, 290.

292. Children Placed and Released from Orphans' Home, 1921—. 2 vols.

Record of admittances and releases of children at orphans' home, showing dates of admittance and release; name, description, and age of child; and case history. Arr. by dates of admittance. Hdw. 150 pp. 18 x 12 x 1. Juv. ct., rm. 22.

293. Judgment Docket, 1903-18, 1927—. 6 vols.

Record of judgments rendered in juvenile causes, showing date of judgments, name of defendant, amount of fine, cause number, and nature of offense. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 13 x 2. 4 vols., 1903-18, rec. rm. 2, sec. 28; 2 vols., 1927—, clk. off., rm. 32.

Commitments and Releases

294. Judgment Record, 1903-13. 2 vols. (1, 2).

Record of commitments and releases of children to and from correctional institutions, showing cause number; dates of commitment and release; names of judge, probation officer, and institution; nature of offense; and name, age, and sex of child. Indexed alph. by names of children. Hdw. 590 pp. 18 x 12 x 3. Rec. rm. 2, sec. 28.

For original commitment papers, see entry 280.

295. Record of Commitments to Indiana Reform School, 1902-30. 2 vols.

Record of commitments of juveniles to reform schools, showing dates of trial and commitment, name of child, cause number, and nature of offense. Indexed alph. by names of children. Hdw. 592 pp. 18 x 12 x 3. Rec. rm. 2, sec. 28.

For original commitment papers, see entry 280.

296. Record of Releases, 1903. 1 vol.

Record of release of juveniles from reform schools, showing name of institution, name and address of person released, and dates of commitment and release. Indexed alph. by names of released persons. Hdw. 592 pp. 18 x 13 x 3. Rec. rm. 2, sec. 28.

Probation Reports

297. [Monthly Report of Probation Officer], 1931—. 1 vol.
Reports from probation officer to court of monthly check of probation cases, showing date of report; case number; and name, sex, nationality, school grade, offense, and family history of child. Arr. by dates of reports. Hdw. 200 pp. 18 x 18 x 2. Juv. ct., rm. 22.

298. Disposition of Cases, 1932—. 1 vol.
Record of monthly reports to state probation department by probation officer, showing date of report; kind of offense; number of adults, delinquent boys, and delinquent girls committing offenses; number of children made public wards; and total offenses committed during month. Arr. by dates of reports. Hdw. 300 pp. 20 x 15 x 2½. Juv. ct., rm. 22.

299. Probation Cases, 1921-22. 1 vol.
Record of wards of court on probation, showing date placed on probation; cause number; nature of offense; and name, age, and color of ward. Hdw. 800 pp. 20 x 14 x 4. Rec. rm. 2, sec. 28.

IX. PROBATE COURT

The probate court, established by an act of 1907, consists of one judge and has jurisdiction of probate matters. It is legally called the "Probate Court of Marion County." The judge is elected by the voters of the county for a four-year term.[1]

At the organization of the county in 1822, probate matters were handled by the associate judges of the circuit court, under an act of 1817,[2] as supplemented by an act of 1818.[3] The associate judges were constituted, in 1825, a court of probate, but its proceedings were still subject to the review and correction of the circuit court.[4] In 1829, a separate court, called the Probate Court of Marion County, was established, consisting of one judge elected by the voters of the county for a seven-year term. This court at first had original and exclusive jurisdiction in all probate matters,[5] but later shared its powers in chancery causes with the circuit court.[6] In 1853, the general assembly abolished the probate court[7] and created a new court, the Court of Common Pleas of Marion County[8] (not to be confused with the Marion Court of Common Pleas, created in 1849 by special act[9] and abolished in 1852,[10] which had no probate jurisdiction except powers in chancery

[1] Acts 1907; Burns 4-2902, 4-2903; Baldwin 1778, 1779. Acts 1907, 1931; Burns 4-2901; Baldwin 1777.

[2] Acts 1816-17, ch. 3, sec. 3.

[3] Acts 1817-18 (general), ch. 13, secs. 4, 9, 10.

[4] Acts 1824-25, ch. 35, secs. 1, 2.

[5] Acts 1828-29, ch. 26, secs. 1, 2, 5, 8.

[6] Rev. Stat. 1838, ch. 24, secs. 5, 6.

[7] 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43. These acts were effective January 14, 1853. Acts 1853, ch. 30, sec. 1. Davidson v. Koehler, 76 Ind. 398.

[8] 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 1, 3, 27.

[9] Acts 1848-49 (general), ch. 45, secs. 1, 6, 9.

[10] Acts 1851-52 (special and local), ch. 33, secs. 1, 6.

concurrent with the circuit court), with original and exclusive jurisdiction of probate causes, except in special causes where concurrent jurisdiction was given to the circuit court or to some other court.[11] The general assembly in 1873 abolished the court of common pleas and transferred its jurisdiction to the circuit court,[12] and all the records of the court of common pleas were transferred to the circuit court.[13] From 1873 to 1907 all probate causes were under the exclusive jurisdiction of the Marion Circuit Court,[14] with the exception of the concurrent jurisdiction exercised by the superior court in actions by or against executors and administrators.[15] The clerk of the circuit court was the clerk of the probate court[16] and the clerk of the common pleas court,[17] and has, therefore, continuously kept the records of probate causes.

The probate court is a court of record and of general jurisdiction, and its judgments, decrees, orders, and proceedings have the same force and effect as those of the circuit court, and are enforced in the same manner.[18] It has, within and for the county, original exclusive jurisdiction in all matters pertaining to the probate of wills; to the appointment of guardians, assignees, executors, administrators, and trustees; and to the administration and settlement of estates of minors; persons of unsound mind; aged, infirm, and improvident persons; habitual drunkards; insolvents and deceased persons; and of trusts, assignments, adoptions, and surviving partnerships; and in all other probate matters. It has concurrent jurisdiction in the following allied matters: Proceedings in partition; applications for the appointment of receivers, and actions against corporations by creditors and/or stockholders; applications for writs of habeas corpus; proceedings to resist probate of wills and to contest wills; complaints to construe wills and to dissolve trusts; and all actions by and against executors, administrators, guardians, assignees, and trustees.[19]

The judge is competent to act as judge of any circuit or superior court upon the trial of any cause or proceeding, whenever called upon under the laws of change of venue.[20] If, for any cause, he is unable to attend and preside at any term, the judge may appoint, in writing, any attorney eligible to the office or any other judge of a court of record in the state, as judge pro tempore to preside during such time.[21]

The court has all the power incident to a court of record to compel attendance of witnesses, to punish contempts, and to enforce its orders. The judge makes and adopts rules and regulations for conducting the business of the court and has full authority to administer oaths, take and certify acknowledgments of deeds, and give all necessary certifi-

[11] 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 1, 3, 27.
[12] Acts 1873; Burns 4-328; Baldwin 1417.
[13] Acts 1873, ch. 29, sec. 81.
[14] Acts 1873; Burns 4-328 to 4-330; Baldwin 1417, 1418, 1421.
[15] Acts 1871; Burns 4-1411; Baldwin 1604.
[16] Acts 1828-29, ch. 26, sec. 3.
[17] 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 25.
[18] Acts 1907; Burns 4-2916; Baldwin 1793.
[19] Acts 1907; 1917; Burns 4-2910; Baldwin 1786.
[20] Acts 1907; Burns 4-2912; Baldwin 1789.
[21] Acts 1907; Burns 4-2913; Baldwin 1790.

cates for the authentication of the records and proceedings in the court.[22] He also has the same power as the judge of the circuit court to grant restraining injunctions and writs of ne exeat; to issue writs of habeas corpus and of mandate and prohibition; to appoint receivers, master commissioners, and commissioners to convey real property; to grant commissions for the examination of witnesses; and to appoint such other officers as are necessary to facilitate and transact the business of the court.[23]

The court holds monthly terms, except in the months of July and August. These terms are called by the names of the months and begin on the first Monday and continue until next term-time unless adjourned by the judge; but whenever a trial is in progress the term is extended until the close of the trial. Terms may be held in July and August if directed by the court.[24]

The chief officers of the court are the sheriff of the county and the clerk, who is the clerk of the circuit court. The sheriff attends upon the court and performs the same duties as in the circuit court. The clerk, under the direction of the judge, provides the necessary court order books, judgment dockets, fee books, and other books; and keeps all the books, papers, and proceedings of the court distinct and separate from those of other courts.[25]

Records pertaining to all courts, entered together in such a way that they cannot be separated, are listed at the conclusion of the records of the circuit court. See entries 191-229.

The records are located in the courthouse.

Filing of Actions

300. General Entry, Claim, and Allowance Docket, 1853-71, 1874—. 109 vols. (1-7, 9-110). Vol. 9 duplicated. Title varies: Appearance Docket, General Appearance Docket, General Appearance and Allowance Docket, Entry Docket.

Record of original filing of estate causes and claims against estates, showing dates cause filed and claim filed and allowed; names of estate, attorneys, claimants, sureties, and administrator, executor, or trustee; amounts of claim and allowance; reference to file box; and volume and page reference to recording. Indexed alph. by names of estates; for separate index, see entry 301. Hdw. 500 pp. 20 x 14 x 3. Clk. off., rm. 32.

301. General Index to Appearance Docket [General Entry, Claim, and Allowance Docket], 1853—. 2 vols. (2, and 1 vol. not numbered), 20 file drawers.

Index to General Entry, Claim, and Allowance Docket, entry 300, showing names of estate and administrator, reference to file box, and volume

[22] Acts 1907; Burns 4-2917; Baldwin 1794.
[23] Acts 1907; Burns 4-2919; Baldwin 1796.
[24] Acts 1907; Burns 4-2907 to 4-2909; Baldwin 1783 to 1785.
[25] Acts 1907; Burns 4-2904, 4-2905, 4-2918; Baldwin 1780, 1781, 1785.

and page reference to recording. Also contains: Will Index, 1934—, entry 306. Arr. alph. by names of estates. Hdw. and typed. Vols., 500 pp. 20 x 18 x 3; file drawers, 4 x 6 x 18. 1 vol., 1853-70, rec. rm. 1, sec. 7; 1 vol., 20 file drawers, 1871—, clk. off., rm. 28.

302. Entry Docket, 1873—. 11 vols. (1-5, 1-4, and 2 vols. not numbered.) Title varies: 1873-1906, Probate Claim Docket.

Record of original filing of civil actions involving settlement of probate matters, showing date of filing; number and nature of cause; names of plaintiff, defendant, estate, and attorneys; amount involved; and disposition of cause. Arr. by dates of filing. Hdw. 500 pp. 16 x 14 x 3. 4 vols., 1873-93, rec. rm. 1, sec. 28; 2 vols., 1894-1906, rec. rm. 2, sec. 22; 5 vols., 1907—, clk. off., rm. 26.

303. Trust Entry Docket, 1890—. 4 vols. (1-4).

Record of entries of instruments in trust causes, showing names of trust, trustee, and sureties; amounts of trust and bond; date of filing petition; amount of costs; and volume and page reference to Order Books, entry 174 or 354. Indexed alph. by names of trusts. Hdw. 800 pp. 18 x 12 x 3½. Clk. off., rm. 28.

304. Order, Common Pleas, 1855-72. 1 vol. Subtitled: Vacation Entries in Estates and Guardianships.

Record of estate and guardianship causes entered for probate during vacation of common pleas court, showing date filed; names of estate, heirs, wards, and administrator or guardian; and amount and conditions of bond. Indexed alph. by names of estates. Hdw. 600 pp. 18 x 12 x 3. Rec. rm. 1, sec. 10.

Wills

305. Will Record, 1823—. 53 vols. (A-Z, C, AA-ZZ).

Transcripts of wills entered for probate, and affidavits of deaths, showing dates of will, affidavit, and admission to probate; names of executor, testator, heirs, and affiants; and amount of bequest. Indexed alph. by names of testators; for separate index, 1823-1933, see entry 306; 1934—, see entry 301. 1822-Feb. 1917, hdw.; Mar. 1917—, typed. 500 pp. 18 x 12 x 3. Clk. off., rm. 28.

For original wills, see entries 138, 307.

306. Will Index, 1823-1933. 1 vol. 1934—, in General Index to Appearance Docket, entry 301.

Partial index to Will Record, entry 305, showing name of testator, date will admitted to probate, and volume and page reference to recording. Arr. alph. by names of testators. Hdw. Condition poor. 200 pp. 16 x 10 x 2. Clk. off., rm. 28.

307. Wills, 1822—. 122 file boxes.

Original wills filed for probate, affidavits of death, and proofs of wills, showing dates of will and filing; names of heirs, testator, and witnesses; conditions, bequests, and codicils of will; and volume and page reference to Will Records, entry 305, and Estate Docket, entry 350. Arr. by dates of filing. Hdw. 10 x 5 x 14. Clk. off., rm. 24.

Documents in Probate Causes
(See also entries 154, 155)

ESTATES

308. Probate Papers, 1907—. 155 bdls., 136 file boxes.
Original instruments in probate causes involving contested wills, including appointments, petitions, proofs of publication, complaints, answers, summons, and decrees, showing date of filing; names of plaintiff, defendant, testator, and beneficiaries; nature of action; and number and disposition of cause. Arr. by cause nos. Hdw. and typed. Bdls., 8 x 6 x 10; file boxes, 10 x 5 x 14. 155 bdls., 1907-Dec. 13, 1923, rec. rm. 2, sec. 1; 136 file boxes, Nov. 15, 1923—, clk. off., rm. 26.

309. Current Estates, 1936—. 182 file boxes.
Original instruments pertaining to estate causes, including notifications of posting bonds; inventories of estates; petitions; receipts for claims paid; and reports of administrators, executors, or trustees; showing date of instrument; amount of estate; names of estate, beneficiaries, and administrator, executor, or trustee; and action taken. Arr. alph. by names of estates. Hdw. 10 x 5 x 14. Clk. off., rm. 28.

310. Estates [Under $500], 1854-91, 1923—. 131 file boxes.
Papers filed in settlements of estates of less than $500 value, showing date of probate, names of estate and administrator, value of estate, and administrator's settlement. Arr. by dates of probate. Hdw. 5 file boxes, 5 x 4 x 10; 126 file boxes, 10 x 5 x 14. 5 file boxes, 1854-91, rec. rm. 2, sec. 12; 126 file boxes, 1923—, clk. off., rm. 26.

311. Estates Settled, 1847—. 1280 file boxes, 1417 pigeonholes, 200 packets.
Papers of settled estates, including inventories and appraisements, petitions to court, administrators' reports, proofs of publication, and receipts for payments of claims, showing names of executor or administrator, estate, and beneficiaries; amount of estate; date probated; cause number; and court action. Arr. by cause numbers. Hdw. 793 file boxes, 5 x 4 x 10; pigeonholes, 10 x 5 x 15; packets, 10 x 4 x 2; 487 file boxes, 10 x 5 x 14. 883 pigeonholes, 730 file boxes, 200 packets, 1847-1925, rec. rm. 1, secs. 14, 20, 21, 23; 63 file boxes, 1864-97, rec. rm. 2, sec. 11; 534 pigeonholes, 1923-32, rec. rm. 7, secs. 1, 3; 487 file boxes, 1933—, clk. off., rm. 28.

312. Claims Against Estates, 1862-97. 61 file boxes.
Claims filed against estates, showing date of filing, names of estate and claimant, and nature and amount of claim. Arr. alph. by names of estates. Hdw. 5 x 4 x 10. Rec. rm. 2, sec. 11.

For subsequent records, see entry 308.

313. Sales R[eal] E[state] Settled, 1884—. 336 file boxes.
Documents in sales of real property in settlement of estates, showing date of sale; proof of publication; names of estate, administrator, heirs, purchaser, and appraiser; appraised value; and sale price. Arr. by dates of sales. Hdw. 59 file boxes, 5 x 4 x 10; 277 file boxes, 10 x 5 x 14. 59 file boxes, 1884-1902, rec. rm. 1, sec. 12; 277 file boxes, 1903—, clk. off., rm. 26.

314. Settled Assignments [of Estates], 1875-1912. 257 file boxes.
Original instruments in estate settlements, including assignment deeds,

petitions, instructions, answers, reports, claims, allowances, oaths, inventories, appraisements, and decrees, showing date of filing; type of instrument; names of estate, beneficiaries, administrator, and claimant; amounts of estate and bequest; and dates of decedent's death and estate settlement. Arr. alph. by names of estates. Hdw. 5 x 4 x 10. Rec. rm. 2, sec. 1.

For subsequent records, see entry 308.

315. Abstracts of Titles, 1821-1909. 2 file boxes.
Abstracts of titles to lands of estates settled by quiet title proceedings, showing dates of all transfers from original purchaser from the U. S. to present time, names of present and all previous owners, location and description of land, and all liens, judgments, or mortgages executed on same in the past and at present time. Hdw. and typed. 5 x 4 x 10. Rec. rm. 2, sec. 28.

For subsequent records, see entry 308.

GUARDIANSHIPS

316. Guardianships Current, 1930—. 296 file boxes.
Original papers pertaining to current guardianships, including reports, summons, claims, petitions to court, and court orders, showing date of action; names of guardian, estate, and ward; and type of instrument. Arr. alph. by names of estates. Hdw. 10 x 5 x 14. Clk. off., rm. 28.

317. Guardians' Reports, 1915—. 35 vols. (1-35).
Current and final reports to court in matters of guardianships, showing date of report; names of estate, guardian, and ward; itemized amounts received and disbursed; and financial condition of estate. Indexed alph. by names of wards. Typed. 700 pp. 16 x 12 x 3. 15 vols., 1915-30, rec. rm. 2, sec. 29; 20 vols., 1926—, clk. off., rm. 28.

318. Guardianships Closed, 1873—. 348 pigeonholes, 411 file boxes.
Papers pertaining to guardianship causes which have been settled, showing names of estate, guardian, and sureties; dates of guardian's appointment and release; reports; court action; and settlement. Arr. by dates settled. Hdw. Pigeonholes, 8 x 8 x 13; file boxes, 10 x 5 x 14. 255 pigeonholes, 1873-1911, rec. rm. 2, sec. 32; 93 pigeonholes, 1887-1918, rec. rm. 7, sec. 3; 411 file boxes, 1915—, clk. off., rm. 28.

TRUSTS

319. Current Trusts, 1908—. 172 file boxes.
Original papers in current trusts including reports, petitions to court, inventory and appraisement of property, trust company oaths, and court orders, showing date of action; names of trust, heirs, and trustee or administrator; and type of instrument. Arr. alph. by names of trusts. Hdw. 10 x 5 x 14. Clk. off., rm. 28.

320. Trusts Closed, 1908—. 56 file boxes. (1-56).
Original instruments pertaining to trusts settled and closed by court order, showing date filed; names of testator, heirs, and administrator; inventory of estate; nature of instrument; and final settlement. Arr. by dates of filing. Hdw. 10 x 5 x 14. Clk. off., rm. 28.

321. Trustee's and Miscellaneous Reports, 1875—. 11 vols. (1, 2, 1-9). Title varies: 1875-1919, Trust Reports.
Transcripts of trustees' reports to court on estates held in trust and reports on estates settled, showing date of report, names of trust and trustees, inventory of estate, copy of will, proceedings of administration, and conditions of trust. Indexed alph. by names of trusts. 1875-Apr. 1907, hdw.; Apr. 1907—, typed. 700 pp. 18 x 12 x 3. 4 vols., 1875-1927, rec. rm. 2, sec. 22; 7 vols., 1926—, clk. off., rm. 28.

322. Record of Trust Company Oaths, 1930—. 1 vol.
Record of oaths of representatives of trust companies for administering estates or guardianships, showing date of oath, and names of trust and trustees. Indexed alph. by names of trusts. Hdw. 576 pp. 18 x 13 x 3. Clk. off., rm. 24.

323. Trust Company Oaths, 1930—. 2 file boxes.
Oaths of representatives of trust companies administering estates or guardianships, showing date of oath, names of estate and trust company; and volume and page reference to General Entry, Claim, and Allowance Docket, entry 300, or Guardian's Docket, entry 348; and Estate Docket, entry 350. Arr. alph. by names of trust companies. Hdw. 10 x 5 x 14. Clk. off., rm. 24.

Bonds

324. Administrator's Bond Record, 1855—. 29 vols. (1-29).
Record of bonds posted by administrators, showing date filed; names of estate, administrator, and sureties; and amount and conditions of bond. Indexed alph. by names of administrators. Hdw. 500 pp. 18 x 14 x 3. 23 vols., 1855-Oct. 25, 1928, rec. rm. 2, sec. 31; 6 vols., Oct. 26, 1928—, clk. off., rm. 24.

325. Record of Executors' Bonds, 1855—. 11 vols. (1-11).
Record of bonds posted by executors, showing date filed; names of executor, estate, and sureties; and amount and conditions of bond. Indexed alph. by names of executors. Hdw. 600 pp. 18 x 14 x 3. 7 vols., 1855-Oct. 13, 1922, rec. rm. 2, sec. 32; 4 vols., Oct. 27, 1922—, clk. off., rm. 24.

326. Administrators' Bonds, 1928—. 16 file boxes.
Bonds posted by administrators to insure faithful administration of estates, showing names of administrator, estate and sureties; and date, amount, and conditions of bond. Arr. by dates of bonds. Hdw. and typed. 10 x 5 x 14. Clk. off., rm. 24.
For prior records, see entry 328.

327. Executors' Bonds, 1924—. 10 file boxes.
Bonds posted by executors to insure faithful administration of estates, showing name of executor, estate, and sureties; and date, amount, and conditions of bond. Arr. by dates of bonds. Hdw. and typed. 10 x 5 x 14. Clk. off., rm. 24.
For prior records, see entry 328.

328. Administrators' and Executors' Bonds, 1841-1928. 90 file boxes, 1 carton.
Bonds posted by administrators and executors to insure faithful administration of estates, showing names of administrator or executor, estate,

and sureties; and date, amount, and conditions of bond. Arr. by dates of bonds. Hdw. and typed. File boxes 5 x 4 x 10; carton 14 x 18 x 14. Rec. rm. 2, sec. 11.

For subsequent records, see entries 326, 327.

329. GUARDIAN BOND RECORD, 1847—. 20 vols. (1-20).
Record of bonds posted by guardians to insure faithful performance of duties, showing date, amount, and conditions of bond; and names of estate, guardian, and sureties. Indexed alph. by names of guardians. Hdw. 500 pp. 16 x 12 x 3. 15 vols., 1847-June 7, 1923, rec. rm. 2, secs. 31, 32; 5 vols., June 8, 1923—, clk. off., rm. 24.

330. GUARDIANS' BONDS, 1923—. 11 file boxes.
Original bonds posted by guardians to insure faithful administration of duties, showing names of guardian, ward, and sureties; date of filing; date and amount of bond; and volume and page reference to Guardians' Docket, entry 348, and Guardian Bond Record, entry 329. Arr. by dates of filing. Hdw. 10 x 5 x 14. Clk. off., rm. 24.

331. BOND OF EXECUTORS, ADMINISTRATORS, AND GUARDIANS ON SELLING LAND, 1853-57. 1 vol.
Record of bonds posted by executors, administrators, or guardians in the settlement of estates, showing names of estate, sureties, and executor, administrator, or guardian; date and amount of bond; and approval of court. Indexed alph. by names of administrators, executors, or guardians. Hdw. 300 pp. 14 x 10 x ½. Rec. rm. 2, sec. 32.

332. BONDS TO SELL REAL ESTATE [Administrators', Executors', and Guardians'], 1884—. 18 file boxes.
Bonds posted by administrators, executors, and guardians to sell property belonging to an estate, showing date filed; names of estate, sureties, and administrator, executor, or guardian; date, amount, and conditions of bond; and volume and page reference to Guardian's Docket, entry 348, and Estate Docket, entry 350. Arr. by dates of filing. 13 file boxes, 5 x 4 x 10; 5 file boxes, 10 x 5 x 14. 13 file boxes, 1884-99, rec. rm. 1, sec. 11; 5 file boxes, 1900—, clk. off., rm. 24.

333. TRUSTEE BONDS, 1891-98, 1923—. 3 file boxes.
Bonds posted by trustees to insure faithful executions of trusts, showing date, amount, and conditions of bond; and names of trust, trustees, and sureties. Arr. alph. by names of trustees. Hdw. 1 file box, 5 x 4 x 10; 2 file boxes, 10 x 5 x 14. 1 file box, 1891-98, rec. rm. 1, sec. 11; 2 file boxes, 1923—, clk. off., rm. 24.

334. CIVIL PROBATE BONDS, 1907—. 2 file boxes.
Bonds posted to guarantee payment of costs and fees in causes involving contested wills, showing dates of bond and filing, cause number, names of plaintiff and defendant, and amount and conditions of bond. Arr. by dates of filing. Typed. 10 x 5 x 14. Clk. off., rm. 24.

INVENTORIES

335. GUARDIANS' INVENTORY, 1911—. 7 vols. (34, 36-41).
Transcripts of inventories of real and personal estates of wards, showing dates of inventory and filing, names of estate and guardian, and location and description of property. For index, see entry 348. 1911-

Apr. 4, 1921, hdw.; Dec. 24, 1921—, typed. 600 pp. 16 x 12 x 3. 2 vols., Feb. 28, 1911-Sept. 28, 1911, Feb. 11, 1921-Dec. 9, 1924, rec. rm. 2, sec. 32; 5 vols., Sept. 22, 1911-Feb. 25, 1921, Dec. 18, 1924-June 25, 1930, 1926—, clk. off., rm. 28.

336. Inventory Record, 1875—. 70 vols. (5-33, 35, 37-76). Title varies: Estates Inventory.

Transcripts of inventories of personal property of estates, showing dates of inventory and filing; names of estate, appraiser, creditors, and administrator or executor; description and appraised valuation of property; and amount of debts. Indexed alph. by names of estates. 1875-1917, hdw.; 1918—, typed. 592 pp. 16 x 12 x 3. 47 vols., 1875-July 3, 1924, rec. rm. 2, secs. 31, 32; 23 vols., July 3, 1924—, clk. off., rm. 28.

337. Inventory Book of Estates, 1832-34. 3 vols. (1-3).

Record of inventories of estates, showing date of inventory, name of estate, and list and value of items inventoried. Indexed alph. by names of estates. Hdw. 160 pp. 16 x 6 x 1½. Rec. rm. 2, sec. 22.

338. [Inventory and Sale Bill Record], 1823-34. 3 vols.

Record of inventories and bills of sale of property of estates, showing dates of filing and sale; names of estate, administrator, and appraiser; kind and appraised value of personal property; and amounts of inventory and sale. Indexed alph. by names of estates. Hdw. Condition poor. 200 pp. 8 x 16 x 1½. Rec. rm. 2, sec. 22.

For subsequent records, see entries 139, 362.

Insanity Causes

339. Insanity Record, 1848—. 49 vols. (1-49). Title varies: Insane Record.

Record of inquests, commitments, recommitments, discharges, and deaths of feeble-minded, epileptic, and insane persons, showing dates of filing, commitment, and discharge or death; names of patient and court; and cause number. Arr. alph. by names of patients. Hdw. 525 pp. 17 x 10 x 2. 47 vols., 1848-May 25, 1927, rec. rm. 2, sec. 12; 2 vols., May 1, 1927—, clk. off., rm. 24.

340. Record of Inquest as to the Epilepsy of Patients, 1907-12. 1 vol.

Record of proceedings in epilepsy inquests, showing date of inquest, names of patient and physicians, family history of patient, and action taken. Arr. by dates of inquests. Hdw. 200 pp. 12 x 8 x 2. Rec. rm. 2, sec. 11.

341. Insanity Inquests, 1835—. 300 file boxes, 7 bdls.

Inquests, recommitments, and discharge papers of feeble-minded, epileptic, and insane patients, showing dates of inquest and recommitment or discharge; names of patient, physician, and witnesses; cause number; and amount of fees. Arr. by cause nos. Hdw. and typed. Bdls., 16 x 14 x 5; 243 file boxes, 5 x 4 x 10; 57 file boxes, 10 x 5 x 14. 243 file boxes, 7 bdls., 1835-1923, rec. rm. 2, sec. 11; 57 file boxes, 1924—, clk. off., rm. 24.

342. Insane, 1923—. 2 file boxes.

Clothing, requisitions, notices of discharges, warrants, and death certifi-

cates of insane patients in institutions, showing names of patient and institution, date of death or discharge, and date and amount of requisition. Arr. by dates of deaths, discharges, or requisitions. Hdw. 10 x 5 x 14. Clk. off., rm. 24.

343. Feeble Minded, 1923—. 5 file boxes.
Clothing requisitions, notices of discharges, warrants, and death certificates of feeble-minded patients in institutions, showing names of patient and institution, date of death or discharge, and date and amount of requisition. Arr. by dates of deaths, discharges, or requisitions. Hdw. 10 x 5 x 14. Clk. off., rm. 24.

344. Epileptics, 1929—. 2 file boxes.
Clothing requisitions, notices of discharges, warrants, and death certificates of epileptic patients in institutions, showing names of patient and institution, dates of commitment and death or discharge, and date and amount of requisition. Arr. by dates of deaths, discharges, or requisitions. Hdw. 10 x 5 x 14. Clk. off., rm. 24.

345. Record of Feeble Minded and Epileptics, 1927—. 1 vol.
Register of feeble-minded and epileptic patients, showing name, address, and age of patient; name and address of petitioner; dates of petition, hearing, commitment, acceptance, and discharge; and location of institution. Arr. alph. by names of patients. Hdw. 175 pp. 16 x 12 x 2. Clk. off., rm. 24.

346. Recommitment Record, 1881-1927. 6 vols.
Record of recommitments of insane persons to hospitals, showing names of patient and hospital, history of case, and date of commitment. Indexed alph. by names of patients. Hdw. 295 pp. 18 x 12 x 3½. Rec. rm. 2, sec. 2.

Court Proceedings

minutes

347. Surviving Partnerships, 1877—. 2 vols. (1, 2).
Minutes of court proceedings in settlement of partnerships severed by death of one partner, showing names of deceased, surviving partner, and firm; date of filing, appraisements of liabilities and assets of deceased; date and amount of bond; names of sureties; and volume and page reference to Order Book, 1877-1906, entry 174; Order Book, 1907—, entry 354. Indexed alph. by names of firms. Hdw. 200 pp. 18 x 12 x 3. Clk. off., rm. 28.

348. Guardians' Docket, 1847—. 25 vols. (1-25).
Record of guardians appointed by court and minutes of proceedings in guardianship causes, showing date of appointment; names of ward, guardian, and sureties; amount of bond; term of court; memoranda of reports to and proceedings of court; and volume and page reference to Guardians' Reports, entry 317; Guardians' Inventory, entry 335; Order Book, entry 354. Indexed alph. by names of wards; for separate index, see entry 349. Hdw. 300 pp. 18 x 12 x 3. Clk. off., rm. 28.

349. General Index to Guardians' Docket, 1847—. 2 vols., 16 file drawers.
Index to Guardians' Docket, entry 348, showing date of filing; names of estate, guardian, and ward; and volume and page references to re-

cording. Vols., arr. alph. by names of guardians; file drawers, arr. alph. by names of wards. 1847-1915, hdw.; 1915—, typed. Vols., 230 pp. 16 x 12 x 1½; file drawers, 5 x 4 x 16. 2 vols., 1847-1915, rec. rm. 2, sec. 31; 16 file drawers, 1915—, clk. off., rm. 28.

350. ESTATE DOCKET, 1907-34. 6 vols. (1-6).
Minutes of proceedings in settlement of estates, showing names of decedent, administrator or executor, and sureties; dates of letters and reports; dates and amounts of bond and inventory; and final report. Arr. by dates of reports. Hdw. 1000 pp. 16 x 12 x 4. Rec. rm. 2, sec. 32.

For subsequent records, see entry 300.

351. CLERK'S DOCKET, SALE OF REAL ESTATE, 1860-1907. 4 vols. (1-4).
Minutes of court proceedings of estate causes involving sale of real estate, showing date of action, cause number, names of administrator and estate, amount of fee, and volume and page reference to recording. Indexed alph. by names of estates. Hdw. 500 pp. 18 x 12 x 3. Clk. off., rm. 28.

For subsequent records, see entry 361.

352. PROBATE COURT DOCKET [Common Pleas], 1854-72. 1 vol.
Docket of probate causes and actions therein tried in common pleas court, showing dates of filing and court term, names of estate and administrator or executor, nature of instrument filed for action, and proceedings and action of court. Indexed alph. by names of estates. Hdw. Condition fair. 500 pp. 18 x 13 x 3. Rec. rm. 1, sec. 7.

353. PROBATE ISSUE DOCKET, 1823-52. 7 vols. (1-7).
Minutes of actions, proceedings, and rulings of court in probate causes, showing nature and number of cause, names of estate and administrator, and disposition of cause. Indexed alph. by names of estates. Hdw. 300 pp. 16 x 10 x 2½. 5 vols., 1823-39, 1845-52, rec. rm. 2, sec. 22; 2 vols., 1840-44, rec. rm. 1, sec. 5.

ORDERS

354. ORDER BOOK, 1823-47, 1907—. 186 vols. (numbering varies). Title varies: Final Entries in Estates, Order Book Inheritance Tax.
Record of proceedings and orders of court in probate causes, showing dates of filing, trial, and settlement; names of estate, heirs, witnesses, and administrator, executor, or guardian; and number, nature, and disposition of cause. Arr. by dates of filing. For index of estate causes 1823-82, see entry 355. Hdw. and typed. 550 pp. 18 x 12 x 3. 9 vol., 1823-47, clk. off., rm. 32; 76 vols., 1907-25, clk. off., rm. 30; 105 vols., 1923—, clk. off., rm. 28.

355. GENERAL INDEX OF ESTATES, 1823-82. 2 vols. (1, 2).
General index of estate causes probated, showing names of estate and administrator or executor; dates will probated, inventory made, reports made to court, and final settlement concluded; and volume and page reference to Will Record, entry 305; Order Book, entry 354; Complete

Record, entry 361. Arr. alph. by names of estates. Hdw. 600 pp. 20 x 16 x 3½. Clk. off., rm. 28.

356. Land Partitions, 1863-74, 1921-24. 3 file boxes.
Court decrees in partition actions authorizing division of lands in title only, showing names of principals, location and description of land, court proceedings, dates of decree and recording, and volume and page reference to Deed Record, Town Lots, entry 86. Arr. by dates of decrees. Hdw. Condition fair. 5 x 4 x 10. Rec. rm. 4, sec. 4.

357. Letters of Administration, 1844-47. 1 vol.
Record of issuance of letters of appointment to administrators, showing date of appointment and names of estate and administrator. Indexed alph. by names of estates. Hdw. Condition fair. 600 pp. 17 x 12 x 3½. Rec. rm. 2, sec. 32.

358. Administrators' and Guardians' Citations, 1840-86. 11 file boxes.
Court orders to administrators and guardians to appear in court for failure to make report, showing names of administrator or guardian and estate or ward, date to appear, and sheriff's return. Arr. by dates for appearances. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

JUDGMENTS

359. Judgment Docket, 1908—. 4 vols. (1-4).
Record of judgments entered in civil actions involving settlement of estates, showing names of plaintiff and defendant; amounts of judgment and costs; cause and claim numbers; dates of receipt, satisfaction, or assignment; and volume and page reference to Order Book, entry 354. Arr. alph. by names of defendants. Hdw. 450 pp. 18 x 13 x 3. Clk. off., rm. 26.

SETTLEMENTS

360. Probate Administrators' Reports, 1877—. 101 vols. (2-102).
Transcripts of final reports to court by administrators or executors of estates, showing date of report, names of estate and administrator or executor, account of administration, and condition of estate. 1877-Feb. 13, 1922, indexed alph. by names of estates; for indexing, Mar. 19, 1922—, see entry 300. 1877-Aug. 14, 1919, hdw.; Nov. 10, 1919—, typed. 600 pp. 18 x 13 x 3½. Clk. off., rm. 28.

361. Complete Record, 1830-54, 1909—. 38 vols. (1, 1-9, 1-10, 15-32).
Complete transcript of all actions and proceedings in settlement of estate causes involving real estate, showing names of estate, heirs, and administrator; dates of death of decedent, court action, and settlement; amounts of bequests; inventory of estate; bills of sale of property; and location and description of land. Indexed alph. by names of estates. 1830-54, 1909-21, hdw.; 1922—, typed. 650 pp. 18 x 12 x 3. Clk. off., rm. 30.

362. Sale Bill Record, 1876-1921. 6 vols. (3-8).
Record of sale of property of estates by administrators, showing names of estate and administrator, date of sale, description of property, and

amounts sold and left on hand. Arr. by dates of sales. 1876-1918, hdw.; 1919-21, typed. 600 pp. 18 x 13 x 3. Rec. rm. 2, sec. 32.

For other sale bill records, see entries 139, 338.

Inheritance Tax

(See also 144, 439, 441, 465-68)

363. Inheritance and Transfer Tax Record, 1913-17, 1936—. 3 vols. (2, 175, 176).

Record of estates and taxable valuations, showing dates of appraisement, tax payment, and decedent's death; cause number; names of estate and heirs; value of estate; and amounts of exemption and tax. Indexed alph. by names of estates. Hdw. 550 pp. 20 x 14 x 3. Clk. off., rm. 28.

364. Inheritance Tax, 1913—. 3 file boxes.

Orders determining value of estates and amount of inheritance tax, showing cause number; names of estate, administrator, heirs, and tax appraiser; dates of notice, decedent's death, and term and order of court; relationship of heirs; amounts of estate, bequests, exemption, tax, penalty, and appraiser's allowance; rate of tax; and location and description of real estate. Arr. by dates of court orders. Hdw. 10 x 5 x 14. Clk. off., rm. 28.

Fee Books

365. Insanity Fee Book, 1892—. 5 vols. (3, 3, 4, and 2 vols. not numbered).

Record of fees allowed for service rendered in insanity inquests, showing date of inquest, names of patient and payee, nature of service, and amount of fee. Indexed alph. by names of patients. Hdw. 300 pp. 18 x 12 x 2. 4 vols., 1892-1928, rec. rm. 2, sec. 2; 1 vol., 1929—, clk. off., rm. 24.

366. Fee Books, Probate, Common Pleas Court, 1862-67. 2 vols.

Record of apportionment of fees in probate causes, showing cause number, name of estate, and itemized statement and total amount of fees. Indexed alph. by names of estates. Hdw. 400 pp. 12 x 16 x 2. Rec. rm. 1, sec. 10.

X. MUNICIPAL COURT

The municipal court of Marion County,[1] established by an act of 1925, consists of four judges[2] and is a court of limited jurisdiction somewhat broader than the city court of Indianapolis and the courts of those justices of the peace of the county which it replaced.[3] The court is

[1] "The use of the word 'municipal' by the legislature, in naming the inferior county court created by the act of 1925, was technically inaccurate," says the Supreme Court of Indiana in State, ex rel., Baker v. Grange, 200 Ind. 506, 165 N. E. 239. "However, this does not impair the validity of the court."

[2] Acts 1925; Burns 4-2501; Baldwin 1716.

[3] Acts 1925; Burns 4-2502, 4-2527; Baldwin 1717, 1742. Capitol Amusement Co. v. Washington and N. J. Realty Co., 90 App. 389, 164 N. E. 715.

called the "Municipal Court of Marion County."[4] The judges are appointed by the Governor of the state for four-year terms and not more than two may be adherents of the same political party. No person is eligible for such appointment until he has been a member of the bar of the circuit or superior court of Marion County for at least three years, and unless he is, at the time of appointment, a citizen of the United States and has been a practicing attorney or judge for at least five years.[5]

Jurisdiction in minor civil and criminal causes was exercised by the justices of the peace from 1822, when the county was organized.[6] Criminal jurisdiction in violations of city ordinances was given to the mayor's court under the act of incorporation of the city of Indianapolis in 1847—the mayor acted as judge and kept the docket and other records.[7] The judicial power of the city was vested in 1891 in a police court, governed by the rules, practice, and pleadings in force in the mayor's court, with a police judge elected by the voters of the city for a two-year term and the city clerk was clerk of the court.[8] In 1905, the general assembly created the "City Court of Indianapolis," with a judge elected by the voters of the city for a four-year term, having the same powers and jurisdiction in all causes of crimes and misdemeanors as justices of the peace, exclusive jurisdiction in violations of all city ordinances and in violations of municipal ordinances and state laws governing highway traffic, and original concurrent jurisdiction with the criminal court in all causes of petit larceny and violations of other criminal laws of the state, carrying a fine not exceeding five hundred dollars and/or six months' imprisonment in the county jail.[9] Civil jurisdiction in both urban and rural areas of the county continued with the justices of the peace of the several townships. On January 1, 1926, the city court was abolished and its jurisdiction was transferred to the municipal court.[10] At the same time the number of justices of the peace in those townships located in whole or in part within the corporate limits of Indianapolis was restricted to one in each of such townships.[11]

The municipal court has jurisdiction in the following causes: Original jurisdiction concurrent with the circuit and superior courts in all civil causes founded on contract or tort, involving property value not exceeding five hundred dollars; jurisdiction in possessory actions between landlord and tenant, irrespective of property value; the same criminal jurisdiction as was vested in the city court of Indianapolis, and jurisdiction in causes involving violations of ordinances of cities and towns or other municipalities in the county. The court has no jurisdiction in actions involving title to or partition of real estate or

[4] Acts 1925; Burns 4-2501; Baldwin 1716.

[5] Acts 1925; Burns 4-2514; Baldwin 1729.

[6] Const. 1816, art. 5, sec. 12. Acts 1817-18 (general), ch. 4, secs. 1-4.

[7] Acts 1846-47 (local), ch. 21, secs. 6, 14.

[8] Acts 1891, ch. 97, secs. 116-132.

[9] Acts 1905; Burns 4-2401; Baldwin 11586. Acts 1905, 1921; Burns 4-2402, 4-2403; Baldwin 11587, 11588.

[10] Acts 1925; Burns 4-2502, 4-2527; Baldwin 1717, 1742.

[11] Acts 1925; Burns 5-103; Baldwin 1836.

to declare or enforce any lien thereon, in causes in which appointment of a receiver is asked, or in suits for divorce.[12]

Both in direct and in collateral proceedings, the same presumption is indulged with respect to the jurisdiction of the municipal court over the subject matter of suits and the parties thereto, and with respect to the regularity of the proceedings, as in the circuit and superior courts in like causes.[13]

The court is divided into four separate rooms numbered consecutively one to four.[14] The judges may interchange and hold court for each other and perform each other's duties when requested. No change of venue can be taken from the court, except the change of venue from any judge. Special judges and judges pro tempore are appointed as in the circuit and superior courts.[15]

The court holds stated terms monthly during the entire year, beginning on the first Monday and continuing until next term-time. Any judgment, order, or decree of the court in a civil cause, final in its nature, is subject to be vacated, set aside, or modified during the term at which it was rendered, in the same manner and to the same extent as in the circuit court.[16] All civil and criminal causes are distributed, upon order of the judges, so that civil causes only are assigned to certain rooms and criminal causes only to other rooms.[17]

The court is a court of record[18] and is governed by the code of civil procedure as applied by the judges to its proceedings. The judges may adopt such other rules as are necessary for the proper administration of justice.[19]

An appeal in any civil cause, except for violation of ordinances of municipalities may be taken to the appellate court for review of questions of law only, and the appeal is governed by the law relating to appeals to the supreme and appellate courts from the circuit court.[20] An appeal from a judgment for violation of municipal ordinances may be taken to the circuit court of Marion County. An appeal in all criminal causes may be taken to the criminal court of Marion County. All criminal causes and causes involving violations of municipal ordinances on appeal must be retried, both as to fact and the law.[21]

The chief officers of the municipal court are the sheriff of the county, prosecuting attorney of the circuit, and the clerk. The sheriff serves all processes in civil causes; and he, or any police officer of any city in the county, may serve warrants, subpenas, and all other writs in criminal causes.[22] The prosecuting attorney prosecutes all the pleas

[12] Acts 1925; Burns 4-2502; Baldwin 1717.
[13] Acts 1925; Burns 4-2520; Baldwin 1735.
[14] Acts 1925; Burns 4-2503; Baldwin 1718.
[15] Acts 1925; Burns 4-2516; Baldwin 1731.
[16] Acts 1925; Burns 4-2509; Baldwin 1724.
[17] Acts 1925; Burns 4-2503; Baldwin 1718.
[18] Acts 1925; Burns 4-2401; Baldwin 1716.
[19] Acts 1925; Burns 4-2504, 4-2505; Baldwin 1719, 1720.
[20] Acts 1925; Burns 4-2510; Baldwin 1725.
[21] Acts 1925; Burns 4-2511; Baldwin 1726.
[22] Acts 1925; Burns 4-2513; Baldwin 1728.

of the state in the court.[23] The clerk of the circuit court is ex officio the clerk of the municipal court and appoints deputies who act as clerks of the municipal court and keep all necessary record books as prescribed by the judges.[24]

Records pertaining to all courts, entered together in such a way that they cannot be separated, are listed at the conclusion of the records of the circuit court. See entries 191-229.

The records are located in the courthouse unless otherwise specified in the entry.

Filing of Actions

367. Entry Docket, 1926—. 88 vols. (1-88).
Record of entries of civil causes filed for trial, showing date of entry; court room number; names of plaintiff, defendant, and attorneys; kind of action; and amount of court fees. Indexed alph. by names of plaintiffs. Hdw. 800 pp. 16 x 12 x 3. Clk. off., rm. 26.

Documents in Court Actions

368. [Civil Causes], 1926—. 708 bdls., 102 file boxes.
Original instruments filed in civil actions including complaints, writs, affidavits, cross-complaints, demurrers, pleadings, and court orders, showing date of filing; names of plaintiff, defendant, witnesses, and attorneys; nature of action; and number and disposition of cause. Arr. by cause nos. Hdw. and typed. Bdls., 9 x 4 x 10; file boxes, 10 x 5 x 14. 708 bdls., 1926-32, rec. rm. 1, secs. 1, 2; 72 file boxes, 1933—, mun. ct. rm. 1, rm. 98; 50 file boxes, 1933—, mun. ct. rm. 2, rm. 96.

369. [Criminal Causes], 1926—. 45 bdls., 480 file boxes.
Original documents filed in criminal actions in municipal court, including affidavits, writs, pleadings, and court orders, showing cause number, date of trial, names of defendant and court, and nature of charge. Arr. by cause nos. Hdw. and typed. Bdls., 9 x 4 x 12; file boxes, 10 x 4 x 12. 80 file boxes, 45 bdls., 1926-29, clk. stg. rm., pol sta.; 192 file boxes, 1930—, clk. off., mun. ct. rm. 4, pol. sta.; 208 file boxes, 1930—, clk. off., mun. ct. rm. 3, pol. sta.

For other criminal records, see entries 154, 230, 434, 436.

370. Re Arrests, 1936—. 1 file box.
Original affidavits charging violations of law in causes where defendant has been re-arrested on same charge, showing cause number, name of accused, dates of affidavit and filing, and nature of charge. Arr. alph. by names of accused. Hdw. 10 x 5 x 14. Clk. off., mun. ct. rm. 3, pol. sta.

371. [Search Warrants], 1938—. 1 file box.
Original warrants issued to police to enter and search premises, showing names of affiant and judge, nature of warrant, location of premises to be searched, and dates of warrant and filing. Arr. alph. by names of affiants. Typed. 10 x 5 x 14. Clk. off., mun. ct. rm. 3, pol. sta.

[23] Acts 1905; Burns 4-2409; Baldwin 11595. Acts 1925; Burns 4-2502, 4-2527; Baldwin 1717, 1742.

[24] Acts 1925; Burns 4-2508, 4-2521; Baldwin 1723, 1736.

Bonds

372. Recognizance Bond Record, 1928—. 10 vols. (1-10).
Record of bonds posted to insure appearance in court of defendants in criminal causes, showing names of defendant and sureties; date, amount, and condition of bond; nature of charge; and number of court. Indexed alph. by names of defendants. Hdw. 425 pp. 18 x 12 x 3. 6 vols., 1928-30, clk. stg. rm., pol. sta.; 2 vols., 1930—, clk. off., mun. ct. rm. 3, pol. sta.; 2 vols., 1931—, clk. off., mun. ct. rm. 4, pol. sta.

373. Municipal Court Bonds, 1926—. 4 file boxes.
Bonds given in civil causes, showing dates of court term and filing; cause number; names of plaintiff, defendant, principal, and sureties; and amount, condition, and nature of bond. Arr. by dates of filing. Typed. 10 x 5 x 14. Clk. off., rm. 24.

Court Proceedings

MINUTES

374. [Issue Docket], 1926—. 80 vols.
Minutes of actions, proceedings, and orders of civil causes tried in municipal court, showing nature and number of cause, date of trial, names of plaintiff and defendant, disposition of cause, and volume and page reference to Municipal Order Book, entry 379. Indexed alph. by names of plaintiffs; for separate index, see entry 375. Hdw. 900 pp. 13 x 16 x 6. 39 vols., 1926—, mun. ct. rm. 1, rm. 98; 41 vols., 1926—, mun. ct. rm. 2, rm. 96.

375. Index to Issue Docket, 1926—. 5 vols.
Index to Issue Docket, entry 374, showing names of plaintiff and defendant, date of action, and volume and page reference to recording. Arr. alph. by names of plaintiffs. Hdw. 500 pp. 11 x 12 x 4. 3 vols., 1926—, mun. ct. rm. 1, rm. 98; 2 vols., 1926—, mun. ct. rm. 2, rm. 96.

376. Disposed of Cases, 1926-27. 30 vols. Title varies: Clerk's Docket.
Minutes of criminal causes tried and disposed of, showing date of action, names of plaintiff and defendant, number and nature of cause, court minutes, and disposition. Indexed alph. by names of defendants; for separate index, see entry 377. Hdw. 600 pp. 13 x 12 x 4. Clk. stg. rm., pol. sta.

For subsequent records, see entry 380.

377. Index to Clerk's Docket, approx. 1926-27. 3 vols.
Index to Disposed of Cases, entry 376, showing name of defendant, and cause number. Arr. alph. by names of defendants. Hdw. 534 pp. 15 x 15 x 7. 2 vols., 1926-27, clk. stg. rm., pol. sta.; 1 vol., 1927, clk. off., mun. ct. rm. 4, pol. sta.

378. Felony Docket, 1926-27. 1 vol.
Docket of causes involving felony charges, showing date of trial, name of defendant, transcript of affidavit, plea of defendant, and amount of bond. Indexed alph. by names of defendants. 596 pp. 18 x 12 x 3. Clk. stg. rm., pol. sta.

ORDERS

379. Order Book, 1926—. 65 vols. (1-65).
Record of orders and court proceedings in civil actions tried in municipal courtrooms 1 and 2, showing dates of court term and filing, cause number, and names of plaintiff and defendant. Arr. by dates of court terms. Hdw. 600 pp. 18 x 13 x 3. Clk. off., rm. 30.

380. Docket and Order Book, 1927—. 208 vols. (1-208).
Record of proceedings and orders of court in criminal actions tried in municipal courtrooms 3 and 4, showing date of trial, names of defendant and court, nature of charge, and number and disposition of cause. Indexed alph. by names of defendants; for separate index, see entry 381. Hdw. 600 pp. 18 x 13 x 3½. 80 vols., 1927-30, clk. stg. rm., pol. sta.; 61 vols., 1931—, clk. off., mun. ct. rm. 3, pol. sta.; 67 vols., 1931—, clk. off., mun. ct. rm. 4, pol. sta.

For prior disposed of cases, see entry 376.

381. Index [to Docket and Order Book], 1927—. 22 vols.
Index to Docket and Order Book, entry 380, showing cause number, date of trial, name of defendant, and volume and cause number reference to recording. Arr. alph. by names of defendants. Hdw. 275 pp. 18 x 12 x 2½. 4 vols., 1927-30, clk. stg. rm., pol. sta.; 10 vols., 1928—, clk. off., mun. ct. rm. 3, pol. sta.; 8 vols., 1931—, clk. off., mun. ct. rm. 4, pol. sta.

382. Cases Sent Grand Jury, Criminal and Circuit Court, 1929—. 2 vols. (4, 5).
Record of criminal causes transferred from municipal court to grand jury, criminal, or circuit court for further action, showing date of hearing, names of defendant and sureties, amount of bond, nature of charge, and volume and page references to [Circuit Court] Entry Docket, entry 147, or [Criminal Court] Clerk's Docket, entry 236; and to Order Book, entry 379. Arr. by dates of hearings. Hdw. 200 pp. 16 x 9 x 2. Clk. off., mun. ct. rm. 4, pol. sta.

JUDGMENTS

383. Judgment Docket, 1926—. 37 vols.
Record of judgments rendered in civil actions, showing cause number, date and amount of judgment, names of plaintiff and defendant, and volume and page reference to Order Book, entry 379. Indexed alph. by names of plaintiffs. Hdw. 300 pp. 16 x 14 x 3. Clk. off., rm. 26.

384. Judgment Dockets, 1927-31. 1 vol.
Record of executions on judgments rendered, showing name of defendant; cause number; dates of judgment, execution, and return; and amounts of costs and fine. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 13 x 2½. Clk. stg. rm., pol. sta.

385. Recognizance Bond Judgment Docket, 1928-33. 2 vols. Title varies: Judgments on Forfeitures.
Record of judgments rendered against defendants and sureties on recognizance bonds upon failure of defendant to appear for trial, showing cause number; dates of trial, judgment, and release; names of defendant and sureties; amount of bond; and volume and page reference to Re-

cognizance Bond Record, entry 372. Arr. alph. by names of defendants. Hdw. 500 pp. 18 x 12 x 3. Clk. stg. rm., pol. sta.

For subsequent records, see entry 383.

386. Jail Lists, 1937—. 1 file box.

Lists of prisoners committed to jail by municipal court each day, showing date of admittance, name of prisoner, nature of charge, and amount of costs. Arr. by dates of admittance. Hdw. 10 x 5 x 14. Clk. off., mun. ct. rm. 3, pol. sta.

387. Probation Record Book, 1927—. 2 vols. (1, 2).

Record of persons placed on probation by court, showing name of probationer, date of order, and reason for and period of probation. Indexed alph. by names of probationers. Hdw. 300 pp. 15 x 12 x 2½. Probation off., pol. sta.

EXECUTIONS

388. Execution Docket, 1926—. 21 vols. (1-21). Title varies: Decree Execution Docket.

Record of executions on court decrees in municipal court, showing dates of issue and return, names of plaintiff and defendant, amounts of judgment and costs, and officer's return. Indexed alph. by names of plaintiffs. Hdw. and typed. 400 pp. 18 x 12 x 3. Clk. off., rm. 26.

389. [Executions From Municipal Court], 1926—. 88 file boxes.

Original executions on judgments rendered in municipal courtrooms 1 and 2, showing cause number; dates of judgment, execution, and filing; names of plaintiff and defendant; and amounts of judgment, interest, and costs. Arr. by cause nos. Hdw. 10 x 5 x 14. Clk. off., rm. 30.

COMPLETE TRANSCRIPTS

390. Complete Record, Dec. 13, 1926. 1 vol.

Complete record of all actions and proceedings in a cause involving real estate, showing dates of filing and disposition, names of plaintiff nad defendant, nature and number of cause, and disposition. Hdw. 600 pp. 18 x 10 x 3. Clk. off., rm. 30.

Fee and Cash Books

391. Cash Book of Receipts and Disbursements, 1926—. 12 vols. (1-12).

Record of receipts and disbursements of fees, fines, costs, and forfeitures in criminal causes, showing cause number; names of defendant, payer or payee, and fund; and date, amount, and nature of receipt or disbursement. Arr. by dates of receipts or disbursements. Hdw. 600 pp. 13 x 14 x 2½. 6 vols., 1926-Apr. 13, 1931, clk. stg. rm., pol. sta.; 3 vols., 1931—, clk. off., mun. ct. rm. 3, pol. sta.; 3 vols., Apr. 20, 1931—, clk. off., mun. ct. rm. 4, pol. sta.

392. Receipts, 1931—. 41 vols.

Duplicate receipts for payments of bails and fines, showing receipt and cause numbers; name of payer; and date, amount, and purpose of payment. Arr. by dates of payments. Hdw. 150 pp. 15 x 10 x 1. 31 vols., 1931-34, clk. stg. rm., pol. sta.; 8 vols., 1935—, clk. off., mun. ct. rm. 4, pol. sta.; 2 vols., 1937—, clk. off., mun. ct. rm. 3, pol. sta.

393. [Payments for Restitutions, Fines, and Fees], 1927—. 3 vols.

Record of payments made by defendants in criminal causes to restore stolen or damaged property by order of the court, showing cause number; names of defendant, payer, and payee; and date and amount of payment. Arr. by dates of payments. Hdw. 800 pp. 12 x 11 x 8. Probation off., pol. sta.

394. Revoked and Deceased [Fines], 1927—. 1 vol.

Record of fines and restitution accounts uncollected and therefore canceled, showing name of defendant, amount unpaid, and date of cancelation. Arr. by dates of cancelations. Hdw. 200 pp. 12 x 11 x 2. Probation off., pol. sta.

395. Stay Docket, 1928—. 1 vol.

Record of fines deferred for future payment, showing name of defendant, nature of charge, amount of fine, date of trial, and time allowed for payment. Arr. alph. by names of defendants. Hdw. 600 pp. 18 x 13 x 2½. Clk. off., mun. ct. rm. 4, pol. sta.

XI. SHERIFF

The sheriff is a constitutional officer elected for a two-year term. The office of sheriff is established in Marion County under the Constitution of 1851 and the Revised Statutes of 1852, and no person is eligible to hold it for more than four years in any six-year period. The sheriff is commissioned by the Governor and is required to post bond in the amount of not less than five thousand dollars and not more than fifteen thousand dollars as fixed by the board of commissioners.[1]

Prior to the Constitution of 1851, the office of sheriff was established in Marion County in 1822, under the authority of the Constitution of 1816 and an act of that year.[2] The county organization act was passed on December 31, 1821, and the next day, in accordance with an act of 1818 concerning new counties, the Governor appointed a sheriff to act until the next general election. The sheriff's first duty was to hold a special election for the more important officers—judges, commissioners, clerk, and recorder—and, accordingly, the acting sheriff on February 22 issued a proclamation setting the election for April 1, the date on which the organization act became effective.[3] Intermittently from 1822 to 1841, the sheriff was appointed collector of taxes by the board of commissioners under authority of acts of 1818 and 1824.[4] Otherwise, there has been no significant change in the sheriff's powers and duties.[5]

The sheriff is a conservator of the peace within Marion County. He

[1] Const., art. 6, sec. 2. 2 Rev. Stat. 1852; Acts 1937; Burns, 1937 suppl., 49-2801; Baldwin, 1937 suppl., 5493.

[2] Const. 1816, art. 4, sec. 25. Acts 1816-17, ch. 13, sec. 6.

[3] Acts 1817-18 (special), ch. 3, sec. 1. Acts 1821-22, ch. 72, sec. 2. Record Book A [Executive Proceedings under the Government of the State of Indiana], Jan. 1, 1822. Sulgrove, *History of Indianapolis and Marion County*, 34, 35, 496.

[4] Acts 1817-18 (general), ch. 42, sec. 14. Rev. Laws 1824, ch. 86, sec. 18. Sulgrove, *op. cit.*, 46, 496-97.

[5] Acts 1817-18 (general), ch. 20, sec. 1.

is required to arrest without process all persons, who within his view commit any crime or misdemeanor, and hold them in custody during investigation of the cause of such arrest; to suppress all breaches of the peace, with authority to call to his aid the power of the county; to pursue and commit to jail all felons; to execute all process directed to him by legal authority; and to maintain and preserve order in the courts of the county except courts of justice of the peace. He also maintains the jail and takes care of the prisoners confined in it.[6] It is his duty to protect persons in danger of possible lynchings.[7] He makes arrests of all persons on warrants issued upon indictments and affidavits, and commits them to jail; and also serves summons in cases of misdemeanor.[8]

The sheriff sells mortgaged property on foreclosure proceedings and property on executions;[9] executes deeds to real estate sold by him;[10] conveys persons committed to state charitable, correctional, or penal institutions;[11] and attends sessions and executes the orders of the county council[12] and the board of commissioners.[13] The sheriff of the county is also a deputy of the sheriff of the supreme court of the state[14] and as such serves all process and orders of the supreme and appellate courts.[15]

The chief records which the sheriff keeps are a cashbook, a fee book,[16] and a jail record.[17]

The records are located in the courthouse unless otherwise specified in the entry.

Service on Writs for Arrests

396. Probate Court Docket, 1907—. 8 vols. (1 vol. not numbered, 1-7). Title varies: Sheriff's Probate Docket.

Record of writs served in probate causes 1907—, of fees collected for service of writs in probate causes 1915—, and of writs served and fees collected in civil causes 1919—, showing date of service, cause number, name of estate, kind of writ, and amount of fee charged. Arr. by dates of services. Hdw. 500 pp. 16 x 12 x 2½. 1 vol., 1907-20, rec. rm. 1, sec. 28; 7 vols., 1921—, shf. off., rm. 36.

For prior records, see entries 397, 422, 424.

[6] 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

[7] Acts 1905; Burns 10-3309, 10-3310; Baldwin 2530, 2531.

[8] Acts 1905, 1937; Burns, 1937 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

[9] Acts 1881 (Spec. Sess.); Burns 2-3601, 3-1819; Baldwin 574, 1014.

[10] Acts 1881 (Spec. Sess.); Burns 2-4101; Baldwin 619. Acts 1931; Burns 3-1806; Baldwin 1008.

[11] Acts 1905; Burns 9-2232, 22-2013; Baldwin 2339, 4206. Acts 1911; Burns 22-1716; Baldwin 4230. Acts 1919; Burns 22-1809; Baldwin 4264. Acts 1927; Burns 22-1213; Baldwin 4305.

[12] Acts 1899; Burns 26-510; Baldwin 5374.

[13] 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

[14] 2 Rev. Stat. 1852; Burns 49-2203; Baldwin 1339. 2 Rev. Stat. 1852; Acts 1889; Burns 49-2204; Baldwin 1340.

[15] Acts 1891; Burns 4-230; Baldwin 1378.

[16] Acts 1895; Burns 49-1401; Baldwin 7576.

[17] Acts 1909; Burns 13-1007; Baldwin 13459.

397. Sheriff's Docket [Civil Causes], 1866-1918. 16 vols. (numbering varies).

Record of writs served in civil causes, showing date of service; cause number; names of plaintiff, defendant, and witnesses; and amount of fee. Arr. by dates of services. Hdw. 550 pp. 18 x 13 x 2½. Rec. rm. 1, secs. 28, 29, 33.

For subsequent records, see entry 396.

398. Sheriff's Docket and Fee Book, Superior Court, 1920—. 35 vols. (51-85). Title varies: Sheriff's Fee Book, Superior Court.

Record of service of writs and fees collected for service in superior court causes, showing date of service; cause number; names of plaintiff, defendant, and witnesses; and amount of fee. Arr. by dates of services. Hdw. 600 pp. 18 x 12 x 3. Shf. off., rm. 36.

For prior fee records, see entry 423.

399. Sheriff's Docket, Superior Court, 1870-93. 17 vols.

Record of service of writs in superior court causes, showing date of service; cause number; names of plaintiff, defendant, and witnesses; and amount of fee. Arr. by dates of services. Hdw. 400 pp. 16 x 12 x 2. Rec. rm. 1, secs. 28, 29.

400. Sheriff's Docket [Common Pleas Court], 1853-72. 7 vols.

Record of service on writs issued from common pleas court, showing cause number; dates of service and return of writ; names of plaintiff, defendant, and witnesses; and amount of fee. Arr. by cause numbers. Hdw. 400 pp. 16 x 12 x 2. Rec. rm. 1, secs. 28, 29, 33.

401. Sheriff's Docket and Fee Book Criminal, 1930—. 3 vols.

Record of writs served and fees collected in criminal court causes, showing date of service, cause number, name of defendant, kind of writ, and amount of fee. Arr. by dates of services. Hdw. 600 pp. 18 x 13 x 3. Sh. off., rm. 36.

For prior fee records, see entry 425.

402. Sheriff's Docket, 1867, 1918-29. 6 vols.

Records of writs served in criminal court causes, showing date of service, cause number, names of defendant and witnesses, and amount of fee. Arr. by dates of services. Hdw. 600 pp. 18 x 13 x 3. Rec. rm. 1, sec. 28.

403. Capias, 1913—. 5 vols.

Record of service on writs issued to sheriff for the arrest of persons charged with criminal offenses, showing source and number of writ; dates of issue and return; names of defendant and court; nature of charge; whether fugitive, prisoner, or on bail; and date and amount of bail. Indexed alph. by names of defendants. Hdw. 250 pp. 18 x 12 x 1½. 3 vols., 1913-29, rec. rm. 1, sec. 28; 2 vols., 1930—, shf. off., rm. 36.

404. Register of Foreign Writs, 1892—. 23 vols. (1-12, and 11 vols. not numbered).

Record of service on writs issued by courts in other counties, showing cause number; dates of issue, service, and return; names of plaintiff and defendant; kind of writ; and amount of costs. Arr. alph. by names of counties. Hdw. 500 pp. 16 x 11 x 3. 14 vols., 1892-1929, rec. rm. 1, sec. 28; 9 vols., 1930—, shf. off., rm. 36.

405. Fugitive Capias, 1928—. 2 file boxes.
Writs authorizing arrests of fugitives from justice which sheriff is unable to serve, showing date of writ, name and history of fugitive, and nature of crime. Arr. by dates of writs. Hdw. 10 x 5 x 14. Shf. off., rm. 36.

406. Income Tax Warrants, 1936—. 5 file boxes.
Warrants for arrest of persons owing delinquent gross income taxes, showing date of warrant, name and address of defendant, and amount of tax due. Arr. by dates of warrants. Hdw. 5 x 4 x 10. Shf. off., rm. 36.

407. Criminal Court Commitments, 1936—. 4 file boxes.
Orders from clerk of criminal court to sheriff to take defendants into custody, and upon failure to give bond, to confine defendant in county jail until legally discharged, showing date order entered in court, cause number, name of defendant, nature of offense, and amount of bond. Arr. alph. by names of defendants. Hdw. 10 x 5 x 14. Jail, turnkey's off.

408. Commitments on Postponement, 1936—. 4 file boxes.
Orders of recommitments to jail after trials have been postponed, showing name of prisoner, date of recommitment, nature of charge, and period of postponement. Arr. alph. by names of prisoners. Hdw. 10 x 5 x 14. Jail, turnkey's off.

Executions on Judgments
(See also entries 178, 179, 182, 183)

409. Record of Executions, 1871—. 30 vols. (1 vol. not numbered, 3-31). Title varies: Register of Executions.
Register of writs of execution issued by the court to satisfy judgments, showing dates of issue and judgment, amounts of judgment and costs, names of plaintiff and defendant, cause and docket numbers, and sheriff's return. Indexed alph. by names of plaintiffs and defendants; for separate index, see entry 410. Hdw. 600 pp. 18 x 12 x 3. 23 vols., 1871-1923, rec. rm. 1, secs. 28, 29, 33; 7 vols., 1924—, shf. off., rm. 36.
For other executions, see entry 411.

410. Index to Register of Executions, 1871—. 20 vols.
Index to Record of Executions, entry 409, showing names of plaintiff and defendant, and volume and page reference to recording. Arr. alph. by names of plaintiffs and defendants. Hdw. 400 pp. 18 x 12 x 3. 12 vols., 1871-1923, rec. rm. 1, sec. 28; 8 vols., 1924—, shf. off., rm. 36.

411. Execution Docket, 1886-1901. 2 vols.
Record of services on writs of execution, showing dates of issue, service, and return; kind of writ; cause number; names of plaintiff, defendant, and judgment debtor; and amounts of judgment, court costs, and fees. Indexed alph. by names of defendants. 200 pp. 18 x 12 x 2. Rec. rm. 1, sec. 28.
For subsequent records, see entry 409.

412. Garnishee Executions, 1937—. 1 file box.
Writs of executions on garnishee actions pending settlement of debts, showing date of execution, name and description of defendant, place of

employment, name and business of firm, and amount of indebtedness. Arr. by dates of executions. Hdw. 10 x 5 x 14. Shf. off., rm. 36.

413. Sheriff's Sales of Personal Property, 1870—. 5 vols. (1-5). Record of sheriff's sales of personal property to satisfy judgments, showing names of plaintiff, judgment debtor, and purchaser; cause number; description of property; and date and amount of sale. Indexed alph. by names of plaintiffs. Hdw. and typed. Condition fair. 360 pp. 15 x 12 x 2. 4 vols., 1870-1908, rec. rm. 4, sec. 28; 1 vol., 1909—, shf. off., rm. 36.

414. Sheriff's Sales of Real Estate, 1868—. 20 vols. (1 vol. not numbered, 1-19).
Record of real estate sales made by sheriff on court orders to satisfy judgments, showing date and amount of sale; names of plaintiff, judgment debtor, and purchaser; cause number; and location and description of property. Indexed alph. by names of judgment debtors and purchasers. Hdw. 350 pp. 18 x 12 x 2. 14 vols., 1868-1921, rec. rm. 1, sec. 28; 6 vols., 1922—, shf. off., rm. 36.

415. Register of Sheriff's Deeds, 1868—. 10 vols. (1-10).
Record of deeds issued for property sold by sheriff to satisfy judgments, showing cause number, names of plaintiff and purchaser, location and description of property, date and amount of sale, and date of deed. Indexed alph. by names of plaintiffs. Hdw. 200 pp. 16 x 12 x 2. 6 vols., 1868-1917, rec. rm. 1, sec. 28; 4 vols., 1918—, shf. off., rm. 36.

For prior records, see entry 93.

Jail Records

416. Jail Register, 1876—. 69 vols.
Register of persons imprisoned in county jail, showing register number; name, sex, age, and color of inmate; dates of imprisonment and release; nature of charge; judgment; and cell block number. Arr. by register nos. Hdw. 600 pp. 14 x 12 x 3. 15 vols., 1876-1905, C. C., rec. rm. 5, sec. 22; 50 vols., 1906-May 1936, jail bsmt.; 4 vols., June 1936—, turnkey's off.

417. Record of Inmates, 1937—. 7 file drawers.
Card record of prisoners in county jail, showing name of prisoner, date of incarceration, nature of charge, amounts of fine and costs, and record of personal belongings. Arr. alph. by names of prisoners. Hdw. 9 x 10 x 24. Jail, turnkey's off.

418. Inspection of County Jail, 1868-70. 3 file boxes.
Reports of inspection of county jail, showing date of inspection, number of prisoners, housing condition, type of food served, and names of jailer and inspectors. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

For reports on prisoners, see entry 16.

Firearms, Licenses and Reports

419. License to Sell Firearms, 1925—. 2 vols.
Record of applications and licenses issued to dealers to sell firearms at retail stores, showing date issued, and name and address of applicant.

Indexed alph. by names of applicants. Hdw. 280 pp. 13 x 18 x 1½. 1 vol., 1925-July 1, 1935, C. C., clk. off., rm. 24; 1 vol., July 2, 1935—, jail, shf. off.

420. Dealer's Report of Gun Sales, 1925—. 30 bdls., 3 file boxes. Reports by firearms dealers of sales of guns to individuals, showing dates of sale and report, names and addresses of dealer and purchaser, age of purchaser, and description of gun. Arr. by dates of reports. Hdw. Bdls., 4 x 2 x 5; 2 file boxes, 5 x 4 x 10; 1 file box, 10 x 5 x 14. 30 bdls., 1925-29, C. C., rec. rm. 2, sec. 13; 2 file boxes, 1930-June 14, 1935, C. C., rec. rm. 1, sec. 11; 1 file box, June 15, 1935—, jail, turnkey's off.

Fee and Cash Records

421. Sheriff's Fee Reports, 1903—. 2 file boxes, 1 bdl. Reports of sheriff's fees and expenses for services in court causes, showing dates of report and filing, names of plaintiff and defendant, cause number, amount and purpose of fee or expense, and disposition of receipts. Arr. by dates of reports. Hdw. 1 file box, 5 x 4 x 10; bdl., 10 x 4 x 6; 1 file box, 10 x 5 x 14. 1 file box, 1 bdl., 1903-21, rec. rm. 4, secs., 2, 4; 1 file box, 1922—, shf. off., rm. 36.

422. Sheriff's Fee Book Probate, 1907-15. 1 vol. Record of fees collected for service of writs in probate court causes, showing date of service, name of person served, cause number, and amount of fee. Arr. by dates of services. Hdw. 500 pp. 16 x 12 x 2½. Rec. rm. 1, sec. 28.

For subsequent records, see entry 396.

423. Sheriff's Fee Book, Superior Court, 1871-1924. 62 vols. (24 vols. not numbered, 22-59). Record of fees collected for service of writs in superior court causes, showing date of service; cause number; names of plaintiff, defendant, and witnesses; and amount of fee. Arr. by dates of services. Hdw. 650 pp. 16 x 12 x 2½. Rec. rm. 1, sec. 28.

For subsequent records, see entry 398.

424. Sheriff's Fee Book [Civil Causes], 1892-1919. 20 vols. (numbering varies). Record of all fees collected by sheriff for service of writs in civil causes, showing date of service, cause number, names of plaintiff and defendant, and amount of fee. Arr. by dates of services. Hdw. 400 pp. 16 x 12 x 2. Rec. rm. 1, secs. 28, 29.

For subsequent records, see entry 396.

425. Sheriff's Fee Book, Criminal Court, 1871-1929. 9 vols. Record of fees collected for service of writs issued by criminal court, showing date of service, cause number, name of defendant, kind of writ, and amount of fee. Arr. by dates of services. Hdw. 600 pp. 16 x 12 x 2½. Rec. rm. 1, sec. 28.

For subsequent records, see entry 401.

426. Sheriff's Fee Book [Common Pleas Court], 1853-73. 2 vols. Record of all fees collected by sheriff for service of writs from common pleas court, showing date of collection, cause number, names of plain-

tiff and defendant, and amount of fee. Arr. by cause nos. Hdw. 400 pp. 16 x 12 x 2. Rec. rm. 1, sec. 33.

427. Sheriff Fee Book Miscellaneous, 1892—. 4 vols. (1-4).
Record of sheriff's fees collected for serving various writs in miscellaneous matters, showing date and kind of writ served, name of payer, and amount of fee. Indexed alph. by names of payers. Hdw. 500 pp. 16 x 12 x 2½. 3 vols., 1892-1920, rec. rm. 1, sec. 28; 1 vol., 1921—, shf. off., rm. 36.

428. Cash Book, 1882—. 16 vols. (1-16).
Record of fees collected by sheriff, showing cause number, date and kind of service, and amount of fees. Arr. by dates of services. Hdw. 425 pp. 18 x 12 x 2. 11 vols., 1882-1914, rec. rm. 1, sec. 28; 5 vols., 1915—, shf. off., rm. 36.

Miscellaneous

429. Investigation, 1936—. 4 file drawers.
Deputy sheriff's reports of automobile accidents in county, showing dates of report and accident, time call received, nature of call, exact location of accident, names and addresses of persons involved and witnesses, disposition of cars, arrests made, charge, amount of bond, and disposition of charge. Arr. by dates of reports. Hdw. 14 x 12 x 24. Jail, turnkey's off.

430. Replevin Bonds, 1879—. 18 file boxes.
Bonds posted to indemnify the defendant or person from whose custody property was taken for damages, showing date, amount, and condition of bond; and names of principal and sureties. Arr. alph. by names of principals. Hdw. 5 x 4 x 10. 3 file boxes, 1879-1930, rec. rm. 1, sec. 11; 15 file boxes, 1922—, shf. off., rm. 36.

XII. CORONER

The coroner is a constitutional officer elected for a two-year term. The office of coroner is established in Marion County under the Constitution of 1851, without restriction on re-election,[1] and he is commissioned by the Governor under the Revised Statutes of 1852. He is required to post a bond of not more than five thousand nor less than one thousand dollars, as fixed by the board of commissioners.[2]

Prior to the Constitution of 1851, the office of coroner was established in Marion County in 1822, under the authority of the Constitution of 1816 and acts of 1816 and 1818.[3] George Smith was elected as the first coroner at the first general election in the county, August 5, 1822, but refused to serve; Harris Tyner was elected in 1823 and

[1] Const., art. 6, sec. 2.

[2] 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

[3] Const. 1816, art. 4, sec. 25. Acts 1816-17, ch. 13, sec. 1. Acts 1817-18 (general), ch. 20, sec. 1.

commissioned September 1.[4] There has been no major change in the office of coroner, other than the abolition of the coroner's jury[5] and the consequent transformation of the inquest from a court hearing in public to a formal nonjudicial inquiry.[6]

The coroner is required to investigate deaths by violence, by accident, and of suspicious nature; to inquire into the cause and manner of death;[7] and to order the arrest of any person whom he may charge with murder.[8] He holds inquests without a jury,[9] and may subpena witnesses and employ a physician to make a post-mortem examination;[10] draws up his verdict,[11] and files it in the office of the clerk of the circuit court, together with a report, giving a minute description of the deceased and valuables found with the body.[12] He is a peace officer with the same powers as the sheriff,[13] and acts as sheriff in event of absence, vacancy, personal interest, or incapacity of that officer,[14] and arrests and commits to jail the sheriff, if necessary.[15]

The records are located in the courthouse.

431. Coroner's Record, 1884—. 35 vols.
Record of coroner's investigations of violent and sudden deaths, showing name, address, and description of deceased; names of witnesses and undertaker; date of inquest; and cause of death. Indexed alph. by names of deceased. Hdw. Condition fair. 675 pp. 16 x 12 x 2½. 28 vols., 1884-Jan. 11, 1932, rec. rm. 2, sec. 2; 7 vols., Jan. 21, 1932—, cor. off., rm. 13.

432. Inquests, 1864-69, 1906—. 27 vols. (10 vols. not numbered, 10-26).
Record of investigations of violent or sudden deaths, showing date of inquest, name of deceased, cause of death, witnesses' statements, and autopsy record. Indexed alph. by names of deceased. Hdw. 575 pp. 18 x 12 x 3. 10 vols., 1864-69, rec. rm. 1, sec. 22; 12 vols., 1906-32, rec. rm. 2, sec. 2; 5 vols., 1933—, clk. off., rm. 24.

433. Inquests, 1864—. 622 file boxes, 13 pigeonholes, 1 bdl.
Original papers pertaining to coroner's investigations of sudden or vio-

[4] Acts 1821-22, ch. 72, sec. 2. Record Book A [Executive Proceedings under the Government of the State of Indiana], Sept. 1, 1823. Sulgrove, *History of Indianapolis and Marion County*, 48, 496.

[5] Acts 1879; Burns 49-2905; Baldwin 5444.

[6] Acts 1817-18 (general), ch. 20, secs. 1-9. Thornton, W. W., *Manual of Practice before County Commissioners*, 2: 1405-6, sec. 2420. Stults v. Board of County Commissioners, 168 Ind. 539; 81 N. E. 471.

[7] 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1937 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

[8] 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

[9] Acts 1879 (Spec. Sess.); Burns 49-2905; Baldwin 5444.

[10] 2 Rev. Stat. 1852; Burns 49-2906; Baldwin 5440.

[11] 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2908; Baldwin 5442.

[12] 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2909; Baldwin 5443.

[13] 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

[14] 2 Rev. Stat. 1852; Burns 49-2902; Baldwin 5437.

[15] 2 Rev. Stat. 1852; Burns 49-2903; Baldwin 5438.

lent deaths, showing name of deceased, cause of death, witnesses' statements, and autopsy record. Arr. alph. by names of deceased. Hdw. 585 file boxes, 5 x 4 x 10; 37 file boxes, 10 x 5 x 14; pigeonholes, 5 x 5 x 11; bdl., 3 x 10 x 8. 585 file boxes, 13 pigeonholes, 1864-1934, rec. rm. 2, sec. 1; 37 file boxes, 1935-37, clk. off., rm. 24; 1 bdl., 1936—, cor. off., rm. 13.

XIII. PROSECUTING ATTORNEY

The prosecuting attorney is a constitutional officer, elected in each judicial circuit for a two-year term, without restriction on re-election.[1] Marion County now constitutes the nineteenth circuit, and a prosecuting attorney is elected therein under the Constitution of 1851 and the Revised Statutes of 1852.[2] He is required to execute a bond in the amount of five thousand dollars, to be approved by the judge of the circuit court, and filed with the clerk.[3]

Prior to the Constitution of 1851, the prosecuting attorney was an officer of the court rather than a public officer. From 1822—when the county was organized—to 1824, he was appointed by the president judge of the circuit court, under the territorial law of 1814.[4] In the revision of 1824, there were two provisions for prosecuting attorney; the court appointed a prosecuting attorney in the county, who held office during the pleasure of the court,[5] and the Governor appointed a prosecuting attorney for the circuit for a one-year term.[6] Two years later, in January 1826, the term was extended to two years,[7] and in December, the appointment was taken from the Governor and made by joint ballot of the Senate and House of Representatives,[8] which method was reaffirmed by the general assembly in 1831.[9]

At first, the only compensation to the prosecuting attorney was that allowed by the court. In 1824, the general assembly granted the circuit prosecutor an annual salary, paid by the state,[10] supplemented by docket fees in criminal convictions, taxed by the court and collected by the sheriff.[11] The court continued to make allowances both to the county prosecutor and to the prosecutors pro tem., who were also appointed by the court; the fees of the former were paid on the order of the board of commissioners, those of the latter by the state.[12] The docket fee in causes where a plea of guilty was entered, was reduced

[1] Const., art. 7, sec. 11.

[2] 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456.

[3] 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5458.

[4] Laws Ind Terr., Acts 1813-14, ch. 12, sec. 1; Acts 1814, ch. 3, sec. 4. Const. 1816, art. 12, sec. 4. Acts 1816-17, ch. 3, sec. 2.

[5] Rev. Laws 1824, ch. 24, sec. 9.

[6] *Ibid.*, sec. 10.

[7] Acts 1825-26, ch. 44, sec. 1.

[8] Acts 1826-27, ch. 17, sec. 1.

[9] Rev. Laws 1831, ch. 10, sec. 1.

[10] Rev. Laws 1824, ch. 24, sec. 12.

[11] *Ibid.*, sec. 13.

[12] *Ibid.*, secs. 9, 12.

in January 1826,[13] and the salary in December. The docket fee is not mentioned in the latter act.[14] Lacking both in dignity and compensation, the office was hard to fill and even when appointment was accepted, the prosecutor was frequently absent; in such absences all payments made to substitute appointees were deducted from the regular prosecutor's salary, hence the old custom of appointment by the court continued despite the attempts of the general assembly to establish the prosecutor as a public officer.[15]

The general assembly, in 1843, provided for the election of the prosecuting attorney by the voters of the circuit.[16] In 1847, the prosecuting attorney was made a county officer, elected by the voters thereof.[17] The act of 1847 was repealed in 1851, and the provisions of the act of 1843 were restored;[18] these provisions were virtually continued, under the Revised Statutes of 1852, to the present time.[19]

The fifth judicial circuit in 1822 consisted of twelve counties, including Marion,[20] and was gradually made smaller, until in 1852, it consisted of only seven counties.[21] In 1865, Marion Circuit Court was divided into civil and criminal circuit courts. The civil circuit court remained in the fifth circuit[22] and the criminal circuit court was established in a new circuit—the sixteenth, embracing only Marion County, with a separate prosecutor.[23] The prosecuting attorney of the fifth circuit, from 1865 to 1874, had no duties in criminal causes in Marion County.[24] In 1873, Marion Civil Circuit Court was placed in the nineteenth circuit with Hendricks County.[25] A prosecuting attorney was provided for by this act for this circuit,[26] so that Marion County had two prosecutors until 1882. Upon the creation of the Criminal Court of Marion County in 1881, effective the following year, the offices were combined.[27] In 1889, Marion County was constituted a circuit in itself—the nineteenth circuit, which it is today.[28] There has been little change in the duties of the prosecuting attorney since he became a constitutional officer.[29]

During the existence of the court of common pleas (1852-73) in

[13] Acts 1825-26, ch. 44, sec. 4.

[14] Acts 1826-27, ch. 17, sec. 2.

[15] Rev. Laws 1824, ch. 24, sec. 12. Acts 1833-34, ch. 92, sec. 1. Monks, *et al.*, editors, *Courts and Lawyers of Indiana*, 1:113-16, 323-24.

[16] Acts 1842-43 (general), ch 15, sec. 1.

[17] Acts 1846-47 (general), ch. 13, sec. 1.

[18] Acts 1850-51 (general), ch. 132, secs. 1, 2.

[19] 2 Rev. Stat. 1852; Burns 49-2501 to 49-2504; Baldwin 5456 to 5460.

[20] Acts 1821-22, ch. 40, sec. 5.

[21] Acts 1851-52 (special and local), ch. 21, sec. 5.

[22] Acts 1865 (Spec. Sess.), ch. 45, sec. 1.

[23] *Ibid.*, ch. 48, secs. 1, 3, 4.

[24] Sulgrove, *History of Indianapolis and Marion County*, 499 and note. Monks, *op. cit.*, 2: 850.

[25] Acts 1873, ch. 29, sec. 20.

[26] *Ibid.*, sec. 82.

[27] Acts 1881 (Spec. Sess.); ch. 34, secs. 1, 2, 8.

[28] Acts 1889, ch. 36, sec. 1.

[29] Monks, *op. cit.*, 1:324.

which system Marion County constituted a district[30] or part of a district,[31] there was a district attorney who prosecuted the pleas of the state in that court and the courts of the justices of the peace of the district.[32]

The county seat of Marion County is Indianapolis, also the state capital. In the fall of 1824, the state offices were removed from Corydon; in January 1826, the general assembly compelled the prosecuting attorney of the fifth judicial district to prosecute or defend all appeals to the supreme court of the state by writ of error, to which the state was a party, and for that duty allowed him additional salary.[33] The Constitution of 1851, like that of 1816, did not provide for the office of attorney general, and from 1852 to 1855, there was no statutory provision for the prosecuting attorney of the fifth circuit to represent the state.[34] In 1855, the general assembly created the office of attorney general and conferred upon him this dtuy.[35]

The prosecuting attorney prosecutes the pleas of the state[36] in all courts of Marion County, including the courts of justice of the peace, as provided by law.[37] He appears before the grand jury to furnish information relative to matters cognizable by it or upon any legal matter, and signs all indictments found, but is excluded from its deliberations.[38] He may also prosecute by affidavit persons accused of public offenses except treason and murder.[39] He conducts all prosecutions for felonies and misdemeanors in Marion County, all suits on forfeited recognizances, resists applications for changing names, and superintends on behalf of the county or any of its trust funds, all suits in which the same may be interested or involved.[40] He defends persons of unsound mind or incapable of managing their business affairs by reason of old age or other infirmity, and protects their interests;[41] and resists undefended actions for divorce.[42]

The prosecuting attorney may take acknowledgments to deeds or other instruments in writing, administer oaths, protest notes and checks, take depositions of witnesses, and perform any duty now conferred on a notary public.[43]

The records are located in the courthouse.

[30] 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 3.

[31] Acts 1859, ch. 51, sec. 3.

[32] 2 Rev. Stat. 1852, pt. 3, ch. 3, sec. 1. Acts 1873, ch. 29, sec. 79.

[33] Acts 1825-26, ch. 44, sec. 2. Rev. Laws 1831, ch. 10, secs. 5, 6. Monks, *op. cit.*, 2:390.

[34] Monks, *op. cit.*, 2:391.

[35] Acts 1855, ch. 3, secs. 1, 4.

[36] 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456.

[37] Acts 1933; Burns 49-2695; Baldwin 7550.

[38] Acts 1905; Burns 9-826, 9-901; Baldwin 2122, 2123.

[39] Acts 1905, 1927; Burns 9-908; Baldwin 2131.

[40] 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

[41] *Ibid.* 2 Rev. Stat. 1852, Acts 1895; Burns 8-202; Baldwin 3460. Acts 1911, 1919; Burns 8-301; Baldwin 3472.

[42] Acts 1873; Burns 3-1212; Baldwin 916. Acts 1913; Burns 3-1213; Baldwin 917.

[43] Acts 1919; Burns 49-2507; Baldwin 5463.

434. Pending and Disposed of Affidavits, 1935—. 3 file boxes.
Original criminal affidavits that are pending or disposed of, showing dates of affidavit, disposition, and filing; nature of charge; and names of defendant and court. Arr. by dates of filing; for index to pending affidavits, see entry 435. Hdw. and typed. 10 x 5 x 14. Pros. atty. off., rm. 60.

For other criminal records, see entries 154, 230, 269.

435. Index to Pending Affidavits, 1935—. 1 file box.
Card index to pending affidavits, entry 434, showing date of affidavit, name of defendant, and nature of charge. Arr. alph. by names of defendants. Hdw. 4 x 5 x 12. Pros. atty. off., rm. 60.

436. Disposed of Cases, 1931—. 9 file drawers.
Original instruments in criminal causes, including statements of witnesses, affidavits, copies of summons, court verdicts, and subpenas, showing cause number; date and nature of instrument; names of witnesses, attorneys, plaintiff, and defendant; date of court verdict; and decision of court. Arr. by dates of verdicts; for index, see entry 437. Hdw. and typed. 12 x 16 x 36. Pros. atty. off., rm. 60.

437. Index to Disposed of Cases, 1931—. 3 file boxes.
Card index to Disposed of Cases, entry 436, showing cause number, name of defendant, nature of charge, and date of court verdict. Arr. alph. by names of defendants. Hdw. and typed. 4 x 5 x 12. Pros. atty. off., rm. 60.

438. Prosecutor's Fees, 1935—. 1 vol.
Record of all prosecutor's fees assessed and collected in causes tried in all the courts of Marion County, showing cause number, date of trial, names of court and principals to action, nature of cause, date and amount of fee collected, and total fees for each court. Arr. by courts, and thereunder alph. by names of principals assessed costs. Hdw. 550 pp. 18 x 14 x 3. Pros. atty. off., rm. 60.

XIV. INHERITANCE TAX APPRAISER

The inheritance tax appraiser of Marion County is appointed, under acts of 1915, 1919, and 1931, with subsequent amendments thereto, by the Governor for a four-year term, unless such appointment is annulled and revoked by the Governor before the expiration of such time. He must be a competent person and his salary is fixed by the state budget committee and paid out of the county treasury as a part of the expense of collecting inheritance taxes.[1]

The first state inheritance tax law went into force April 30, 1913. For the next two years, property transferred by inheritance or bequest, if of clear market value above certain authorized exemptions, was appraised by a competent person appointed as a special appraiser for each estate by the probate court upon the application of any interested party, including the county treasurer, or upon its own motion.[2]

[1] Acts 1915, ch. 116, sec. 1. Acts 1919, 1921; Burns 64-1101; Baldwin 15696. Acts 1931, 1933; Burns 6-2408; Baldwin 15946.

[2] Acts 1913, ch. 47, secs. 13, 28.

The duties of the inheritance tax appraiser are to appraise each resident decedent's estate that may be subject to the inheritance tax at its fair market value—it is not the duty of the appraiser to make computation of the tax payable—and to make his report in duplicate, one to the probate court and the other to the state board of tax commissioners. Whenever the appraiser is related to a decedent of any beneficiary by blood or marriage, he becomes disqualified to appraise the property involved and a special appraiser for such property is appointed by the probate court.[3]

The records are located in the courthouse.

[3] Acts 1931, Burns 6-2437; Baldwin 15975. Acts 1931, 1933; Burns 6-2408; Baldwin 15946.

Appraisements and Schedules

(For other inheritance tax records, see entries 144, 363, 364, 465-68)

439. Schedule and Affidavit of Executor, Administrator, or Heir for Inheritance Tax Appraisements, 1913—. 48 file drawers.

Affidavits of executors, administrators, trustees, or heirs of estates as to the true inventory and value of the estate for the purpose of appraisement for state inheritance taxes, showing names of decedent and heirs; division of estate; dates of decedent's death, estate entered for probate, and affidavits; inventory of estate; location of property; fair market value of each item; and amounts of indebtedness and exemption. Arr. alph. by names of estates. Hdw. 14 x 12 x 28. Appraiser's off., rm. 77.

440. Card Index to Estates, 1913—. 4 file drawers.

Card index to schedules of taxable and nontaxable estates, showing names of decedent and heirs, and cause number. Taxables, indexed alph. by names of decedents and heirs; nontaxables, by names of decedents. Typed. 12 x 7 x 18. Appraiser's off., rm. 77.

441. Order Book, 1913—. 9 vols. Title varies: 1913-34; Record of Hearings.

Record of hearings for appraisement of estates, showing name of estate, date and hour of hearing, and itemized description and history of estate. Arr. alph. by names of estates. 1913-34, hdw.; 1935—, typed. 300 pp. 18 x 13 x 2½. Appraiser's off., rm. 77.

XV. ASSESSOR

The assessor of Marion County is a statutory officer, elected for a four-year term.[1] The office of assessor was established in its present form by an act of 1891[2] and re-established in 1919. The assessor must be a continuous resident freeholder of Marion County for not less than four years prior to the date of his election. Within ten days after his

[1] Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

[2] Acts 1891, ch. 99, sec. 112.

election he must post a five thousand dollar bond, approved by and filed with the auditor.[3]

Following the organization of Marion County on April 1, 1822, the board of commissioners appointed a lister to receive and take lists of taxable property, in accordance with an act of 1818.[4]

An act of 1824 established the office of county assessor, but permitted, if it was deemed advisable, the appointment of one or more assessors. The board of commissioners appointed one assessor[5] until January 1, 1827, when the board voted to appoint an assessor for each township.[6]

The general assembly, in 1841, provided for the election of a county assessor in each county of the state for a two-year term.[7] Under this law, the office of assessor existed in Marion County until it was discontinued in 1852 and replaced by the office of assessor in each township in the county.[8] From 1841 to 1872, the periodic assessment of real property was made by an appraiser or appraisers—the office was not continuous but only for the year in which the real estate assessment was made.[9] The office of county assessor replaced that of appraiser in 1872, only to be abolished three years later and the duties transferred to the township assessors.[10] It was re-established in 1891 in its present form.[11]

The duties of the county assessor are to examine carefully tax duplicates and other records in the offices of the auditor, treasurer, recorder, clerk, sheriff, and surveyor, together with the returns of the township assessors, and to discover, list, and assess all omitted property of every kind, entering his valuations in a separate column on the township assessor's books; to list and assess any omitted property which he discovers at any time of the year; to instruct and advise the township assessors; to report to the state board of tax commissioners any delinquencies of township assessors;[12] and to set a value upon intangibles for taxes.[13] He is ex officio member and president of the Marion County Board of Review.[14] His work is under the direction of the state board of tax commissioners, and he may be removed by that board, after a hearing, for incompetency, neglect of duty, or misconduct in office.[15]

The assessor is required to return to the auditor all township assessors' books, returns, lists, schedules, and other papers received by

[3] Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

[4] Acts 1817-18 (general), ch. 42, sec. 1. Commissioners' Record, 1:13.

[5] Rev. Laws. 1824, ch. 86, sec. 5. Commissioners' Record, 1:122.

[6] Commissioners' Record, 1:250.

[7] Acts 1840-41 (general), ch. 3, sec. 1.

[8] 1 Rev. Stat. 1852, ch. 6, sec. 14; ch. 92, sec. 1.

[9] Acts 1840-41 (general), ch. 1, secs. 1, 5. Acts 1850-51 (general), ch. 5, sec. 1. 1 Rev. Stat., ch. 6, sec. 44. Acts 1858, ch. 2, sec. 1. Acts 1872 (Spec. Sess.); ch. 37, sec. 276.

[10] Acts 1872 (Spec. Sess.); ch. 37, secs. 107, 276. Acts 1875, ch. 97, sec. 9.

[11] Acts 1891, ch. 99, sec. 112.

[12] Acts 1919; Burns 64-1102; Baldwin 15698.

[13] Acts 1933, 1935; Burns, 1937 suppl., 64-905; Baldwin, 1935 suppl., 15903.

[14] Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

[15] Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

him from the auditor, together with such additional books, lists, assessments, and papers as he has made thereto on or before the first Monday after July 4 of each year.[16]

The records are located in the courthouse.

442. Special Assessments, 1911—. 16 vols.

Record of assessments of special personal property, showing date of assessment, name and address of person assessed, list and duplicate number, and amount of personal assessment. Arr. alph. by names of owners. Hdw. 300 pp. 17 x 14 x 2. 9 vols., 1911-31, rec. rm. 5, sec. 6; 7 vols., 1932—, assr. off., rm. 21.

For other assessment lists, see entry 530.

443. [Omitted Assessment Lists], 1935—. 20 file drawers.

Card index of property owners who failed to file property assessment lists, showing tax duplicate number, date assessment due, tax year, name and address of taxpayer, and type of tax. Arr. alph. by names of owners. Hdw. 4 x 12 x 24. Assr. off., rm. 21.

444. County Assessor's Book, 1906-20. 2 vols.

Record of property omitted from regular assessment list and assessed by county assessor, showing date and amount of assessment, name of owner, and description and value of property. Arr. alph. by names of owners. Hdw. 300 pp. 16 x 12 x 2. Rec. rm. 5, sec. 11.

445. [Intangible Tax Valuation Record], 1933—. 26 file boxes (A-Z).

Record of valuation of intangible property including stocks, bonds, mortgages, notes, and judgments, showing date of valuation by county assessor; name of owner; description of intangible; face value; valuations by owner, county assessor, and state tax commission; and computation of tax. Arr. by dates of valuations. Hdw. 10 x 5 x 14. Assr. off., rm. 9.

446. Appointment of Deputy Assessors, 1866—. 12 file boxes.

Lists of appointments of deputy assessors in each township, showing names of deputy appointed and township, and date and term of appointment. Arr. by dates of appointments. Hdw. 6 file boxes, 5 x 4 x 10; 6 file boxes, 10 x 5 x 14. 6 file boxes, 1866-1928, rec. rm. 1, sec. 13; 6 file boxes, 1929—, aud. off., rm. 41.

447. Deputies' Daily Report of Dog Taxes Collected, 1901-28. 20 vols.

Daily reports by deputy assessors of dog taxes collected, showing dates of collection and report; number of deputy; number, sex, and breed of dogs; number of receipt given; and total amount collected. Arr. by dates of reports. Hdw. 500 pp. 16 x 12 x 2. Rec. rm. 5, sec. 13.

For other dog tax records, see entry 507.

448. County Assessor's Record of Mortgages, Jan.-Dec. 1893. 1 vol.

List of real estate mortgages used by assessor to check exemption on taxes, showing names of mortgagee and mortgagor, date and amount

[16] Acts 1919; Burns 64-1102; Baldwin 15698.

of mortgage, volume and page reference to recording, and credit and assignment or satisfaction. Arr. alph. by names of mortgagees. Hdw. 600 pp. 18 x 12 x 3. Rec. rm. 5, sec. 10.

XVI. BOARD OF REVIEW

The board of review of Marion County, established under an act of 1891[1] and re-established in 1919, reviews assessments and equalizes the valuation of real and personal property. Its members are the assessor, auditor, and treasurer, ex officio, and two freeholders of opposite political parties, appointed annually by the judge of the circuit court. The assessor is president and the auditor is secretary.[2]

From the organization of the county to 1872, personal property was assessed annually by an assessor, either the county assessor or the township assessor, and real property was assessed only periodically by the appraiser; since 1872 all property has been assessed by township assessors.

Prior to 1891, there was a county board of equalization, consisting of the board of commissioners and later certain additional members: In 1822, when Marion County was organized, the board of commissioners examined and corrected the lists of taxable property, under an act of 1818.[3] From 1824 to 1839, the clerk of the circuit court met with the assessor or assessors and compared their assessment rolls, corrected all double listings, erroneous descriptions of lands and lots, or other mistakes, and laid the rolls before the board doing county business for acceptance.[4] In 1839, the board of commissioners, clerk of the circuit court, and assessor were annually to hear and determine complaints of property owners.[5] From 1841 to 1852, the board of commissioners, auditor, and assessor were constituted the county board of equalization for the purpose of hearing complaints and equalizing assessments and revaluation of real and personal property;[6] and the board of commissioners, auditor, and appraiser were constituted a special board of equalization to equalize valuations in lands as made by the appraiser.[7] From 1852 to 1872, the board of commissioners, auditor, and township assessors were constituted the board of equalization for personal property[8] and the board of commissioners, auditor, and appraiser or appraisers, the board of equalization for real property.[9] From 1872 to 1875, the county assessor replaced the appraiser and the township

[1] Acts 1891, ch. 99, sec. 114.

[2] Acts 1919; Burns 64-1202; Baldwin 15701, 15704. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

[3] Acts 1817-18 (general), ch. 42, sec. 12.

[4] Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8.

[5] Acts 1838-39 (general), ch. 14, secs. 14, 15. The act reads auditor which in Marion County means clerk. Acts 1838-39 (general), ch. 14, sec. 5, last sentence.

[6] Acts 1840-41 (general), ch. 1, sec. 18.

[7] *Ibid.*, sec. 13.

[8] 1 Rev. Stat. 1852, ch. 6, sec. 91.

[9] *Ibid.*, ch. 35, sec. 2.

assessors.[10] From 1872 to 1891, the board of equalization constituted the board for the equalization of real and personal property.[11] In 1881, four freeholders from different parts of the county, appointed by the judge of the circuit court, were added to the board.[12] In 1891, the board of review was created, consisting of the assessor, auditor, and treasurer;[13] in 1895, two freeholders were added to the board;[14] and the act of 1919 requires the two freeholders to be of opposite political parties.[15]

The board of review holds an annual meeting beginning on the first Monday of June. A majority constitutes a quorum for the transaction of business and may decide any question. At the meeting the auditor submits for examination the assessment lists of the county returned by the township assessors, and the county assessor reports all corrections and changes which in his judgment ought to be made, which the board considers and acts upon, and it may, upon its own motion, add omitted property.[16]

The two freeholder-members meet the first day of March after their appointment and proceed, under the advice and direction of the other members, to list the domestic corporations of the county and investigate their financial condition, and all such information is laid before the board of review at the next annual meeting.[17]

The board adjusts inequalities in the valuations of particular tracts or lots,[18] hears complaints of owners of personal property, corrects errors in description and assessment, and passes upon each valuation in the township assessor's lists.[19] It assesses the capital stock and franchises of corporations in the county, except those assessed by the state board of tax commissioners, such as railroad, telephone, and telegraph companies.[20]

It is the duty of the board to inquire as to the valuation of various classes of property in the townships or any taxing unit, to make such changes as may be necessary, and to determine the amount to be added or deducted in order to make an equitable equalization of valuations throughout the county. If the board shall find the aggregate assessment too high, too low, or unequal, it may set aside the assessment of the whole county, or of any township or taxing unit therein, and order a new assessment.[21]

The auditor, as secretary, is required to keep full and accurate

[10] Acts 1872 (Spec. Sess.), ch. 37, secs. 150, 276.

[11] *Ibid.*, secs. 150, 277, 278. Acts 1875, ch. 97, sec. 7.

[12] Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

[13] Acts 1891, ch. 99, sec. 114.

[14] Acts 1895, ch. 36, sec. 2.

[15] Acts 1919; Burns 64-1202; Baldwin 15701.

[16] Acts 1919; Burns 64-1205; Baldwin 15704. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

[17] Acts 1919; Burns 64-1202; Baldwin 15701.

[18] Acts 1919; Burns 64-1205; Baldwin 15704.

[19] Acts 1919; Burns 64-1205; Baldwin 15704. Acts 1919, 1920, (Spec. Sess.); Burns 64-1201; Baldwin 15700.

[20] Acts 1919; Burns 64-703, 64-704, 64-724, 64-734 to 64-736; Baldwin 15617, 15618, 15638, 15648 to 15650.

[21] Acts 1919; Burns 64-1205; Baldwin 15704.

minutes of the proceedings of the board. The changes made by the board are entered in a separate column in the assessment lists.[22]

The records are located in the courthouse.

[22] Acts 1919, 1920 (Spec. Sess.) ; Burns 64-1201 ; Baldwin 15700.

449. RECORD [Board of Review], 1888-1919, 1921, 1923—. 49 vols. Title varies: Marion County Board of Equalization.

Minutes of the meetings of board of review, showing date of meeting, names of members present, business discussed, and action taken. Indexed alph. by subjects of business discussed. Typed. 250 pp. 10 x 9 x 1½. 32 vols., 1888-1918, rec. rm. 5, sec. 22; 17 vols., 1919, 1921, 1923—, assr. off., rm. 9.

450. DOMESTIC CORPORATION STATEMENTS, 1935—. 304 bdls., 52 file boxes.

Original affidavits made by domestic corporations to the board of review as to the valuation of the corporation's stocks, bonds, and all taxable property, showing date of affidavit; names of corporation and owners; amount, valuation, and classification of stocks and bonds; assets and liabilities of corporation; and itemized list of all taxable property. Arr. alph. by names of corporations. Hdw. and typed. Bdls., 5 x 3 x 9; file boxes, 10 x 5 x 14. 304 bdls., 1905-35, rec. rm. 5, secs. 1, 7; 52 file boxes, 1936—, assr. off., rm. 9.

451. DOMESTIC CORPORATION STATEMENTS, 1913-24. 15 vols.

Record of affidavits made by domestic corporations to board of review as to valuation of the corporation's stocks, bonds, and all taxable property, showing date of affidavit; names of corporation and owners; amount, valuation, and classification of stocks and bonds; assets and liabilities of corporation; and itemized list of all taxable property. Arr. alph. by names of corporations. Typed. 150 pp. 20 x 12 x 1. Rec. rm. 5, sec. 11.

XVII. BOARD OF TAX ADJUSTMENT

The board of tax adjustment of Marion County was established by an act of 1932 and reconstituted by acts of 1933[1] and 1937. It consists of seven members, chosen as follows: One member of the county council, chosen by the council; the mayor of Indianapolis, the largest city in the county, or any public official of any city in the county appointed by him; one member of the board of school trustees of Indianapolis selected by the board; and four freeholders of the county selected annually by a majority vote of the circuit judge and the judges of the superior court of the county. No more than four of the seven members may be adherents of the same political party. The board elects its own chairman and vice-chairman, and the auditor acts as clerk, but has no vote in its proceedings.[2]

[1] Acts 1932, ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4.

[2] Acts 1937 ; Burns, 1937 suppl., 64-310 ; Baldwin, 1937 suppl., 15897-4.

The board, as first created, consisted of seven members as at present, who differed in qualifications and methods of appointment.[3]

Prior to that time, while valuations might be adjusted by the county board of review and the state board of tax commissioners,[4] tax rates in Marion County, as fixed by the board of commissioners, 1822 to 1899,[5] or by the county council, 1899 to 1919,[6] were not subject to appeal. Since 1919, appeals may be taken to the state board of tax commissioners.[7]

The auditor lays before the board, at its annual meeting beginning the second Monday of September, the budgets adopted and the tax levies and rates fixed by the proper authorities of each municipal corporation for the ensuing year.[8]

It is the duty of the board to examine, revise, change, or reduce, but not increase, any budget, tax levy, or rate, holding such budget within the total amount of revenue to be raised therefor. No change can be made in detailed items, but only in the total amounts budgeted for each office.[9] The total of all tax rates on property within any municipal corporation for all municipal corporations for which the property therein is taxable, with certain exceptions, must not exceed the total rate as provided by law.[10] The board has the right to require officials submitting budget estimates and tax levies and rates, to attend its meeting or to furnish any necessary information, and it may employ an examiner of the state board of accounts to assist in its duties.[11]

All duties of the board of tax adjustment must be completed on or before the first day of October in the year of its appointment.[12] If, for any reason, the board fails to complete its duties within the time fixed, or to reduce the aggregate amount of levies and rates to within the legal limits, the tax rate is calculated and fixed by the auditor on or before October 15.[13]

Appeals from the decisions of either the board of tax adjustment or the auditor may be taken to the state board of tax commissioners, whose review of all the budgets and rates of the county and any taxing unit thereof, must be completed on or before November 30 or as soon thereafter as possible.[14] The finding and order of the state board fixing the items of the various budgets and levies is final and conclusive.[15] No

[3] Acts 1932, ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4.

[4] Acts 1891, ch. 99, secs. 114, 125. Acts 1895, ch. 36, secs. 2, 4.

[5] Acts 1817-18 (general), ch. 42, secs. 9, 12. Acts 1819-20, ch. 73, sec. 2. Acts 1820-21, ch. 2, sec. 2. Acts 1821-22, ch. 55, secs. 3, 4. 1 Rev. Stat. 1852, ch. 6, sec. 1. Rev. Stat. 1881, ch. 98, sec. 62-69. Acts 1889, ch. 161, sec. 1. Acts 1891, ch. 99, secs. 1, 120.

[6] Acts 1899; Burns 26-515; Baldwin 5379.

[7] Acts 1919, ch. 59, sec. 200. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1937 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

[8] Acts 1937; Burns, 1937 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

[9] Acts 1937; Burns, 1937 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

[10] Acts 1937; Burns, 1937 suppl., 64-309; Baldwin, 1937 suppl., 15897-3.

[11] Acts 1937; Burns, 1937 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

[12] Acts 1937; Burns, 1937 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

[13] Acts 1937; Burns, 1937 suppl., 64-314; Baldwin, 1937 suppl., 15897-8.

[14] *Ibid.* Acts 1919, 1935; Burns, 1937 suppl., 64-1321; Baldwin, 1935 suppl., 15717.

[15] Martin V. Orthlieb, 210 Ind. 199; 1 N. E. (2d) 1000.

restrictions or modifications in fixing tax levies by either the county or state officers above named may be made so as to affect the provisions of the Welfare Act (see Department of Public Welfare).[16]

The auditor, as clerk, keeps a complete record of all the proceedings of the board.[17]

The records are located in the courthouse.

[16] Acts 1937; Burns, 1937 suppl., 64-316; Baldwin, 1937 suppl., 15897-10.

[17] Acts 1937; Burns, 1937 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

452. MINUTES OF MEETINGS, 1932—. 1 vol.
Record of meetings and proceedings of board of tax adjustment, showing date of meeting, names of members present, business discussed, and action taken. Arr. by dates of meetings. Hdw. 300 pp. 14 x 10 x 2½. Aud. off., rm. 43.

453. [TAX LEVIES], 1932—. In [Reports to Auditor], entry 498.
Tax levies established by each taxing unit for presentation to county board of tax adjustment, showing date of statement, name of taxing unit, itemized rates of each fund, and total levy.

XVIII. BOARD OF FINANCE

The board of finance of Marion County consists, under the authority of the Depository Act of 1937, of the board of commissioners, the mayor and the controller of Indianapolis, and the chief executive officer of the school city. The auditor is the secretary,[1] and the board elects its president.[2]

The board was first created by an act of 1907[3] and re-created by the Depository Act of 1935.[4]

The board of finance has supervision of all public funds of Marion County and of the safekeeping and deposit thereof,[5] and may sue and be sued, in its own name, in any court of competent jurisdiction.[6] It designates the banks to serve as depositories for county funds.[7] The board receives monthly statements of county funds on deposit from the banks,[8] and may, as it sees fit, revoke the commission of any depository at any time.[9] Besides the public funds of the county, the board also designates, under authority of a separate act, the depositories for all trust funds held by the clerk of the circuit court by virtue of his office;[10]

[1] Acts 1905; Burns 48-6701; Baldwin 11511. Acts 1929; Burns 48-6712; Baldwin 15889. Acts 1937; Burns, 1937 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

[2] Acts 1937; Burns, 1937 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

[3] Acts 1907, ch. 222, sec. 6.

[4] Acts 1935, ch. 70, sec. 7.

[5] Acts 1937; Burns, 1937 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

[6] Acts 1937; Burns, 1937 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

[7] Acts 1937; Burns, 1937 suppl., 61-635, 61-636; Baldwin, 1937 suppl., 13844-56, 13844-57.

[8] Acts 1937; Burns, 1937 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

[9] Acts 1937; Burns, 1937 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

[10] Acts 1937; Burns, 1937 suppl., 61-673; Baldwin, 1937 suppl., 1438-1.

and deposits of all funds of any character whatsoever coming into the custody of the clerk, auditor, sheriff, and treasurer, are subject to the provisions of the Depository Act, except certain fees specifically named as legal perquisites of these officers.[11]

The board of finance holds an annual meeting on the third Monday in January for its organization,[12] a biennial meeting on the third Monday in February, in the odd numbered years, for the consideration of proposals of banks as depositories for the ensuing two-year period.[13]

The agents of all boards of finance—county, city, town, school, and township—and of all banks desiring to become depositories, are called together by the president of the county board in a joint meeting biennially, within five days before the date fixed for filing the proposals, for the purpose of making an agreement designating depositories and the amount of deposits in each. The total maximum amount of all public funds controlled by the several boards in the county is considered as one fund in making deposits in such proportion as the total resources of each depository bear to the total resources of all. The secretary of the county board is the secretary of the joint meeting and records its proceedings in the record of the county board.[14]

The auditor, as secretary of the board of finance, keeps a record of its proceedings.[15]

The records are located in the courthouse.

[11] Acts 1932 (Spec. Sess.) ; Burns 64-1538.
[12] Acts 1937 ; Burns, 1937 suppl., 61-633 ; Baldwin, 1937 suppl., 13844-54.
[13] Acts 1937 ; Burns, 1937 suppl., 61-636 ; Baldwin, 1937 suppl., 13844-57.
[14] Acts 1937 ; Burns, 1937 suppl., 61-635 ; Baldwin, 1937 suppl., 13844-56.
[15] Acts 1937 ; Burns, 1937 suppl., 61-633 ; Baldwin, 1937 suppl., 13844-54.

454. Record of Board of Finance, 1907—. 2 vols.
Minutes of the meetings of the board of finance, showing date of meeting, names of members present, business discussed, and recommendations made. Indexed alph. by subjects discussed. Hdw. 350 pp. 15 x 12 x 2½. Aud. off., rm. 43.

455. Depository Proposals, 1929—. 3 file boxes.
Petitions filed with the board of finance to consider certain banks as depositories for county funds, showing date of petition, name of depository, and terms of petition. Arr. by dates of petitions. Typed. 10 x 5 x 14. Aud. off., rm. 41.

XIX. SCHOOL FUND BOARD

The school fund board of Marion County, as created by an act of 1935, consists of the auditor and the clerk of the circuit court ex officio and one member appointed by the judge of the circuit court for a two-year term. No more than two members of the board may be adherents of the same political party.[1]

[1] Acts 1865, 1935 ; Burns, 1937 suppl., 28-209 ; Baldwin 1935 suppl., 6558.

Originally, loans from the school funds of Marion County were made by the school commissioner, elected by the voters for a three-year term, in accordance with an act of 1829. The school commissioner was a financial agent of the county to manage the school funds and the lands belonging thereto.[2] This office was abolished in Marion County in 1850 and the duties transferred to the treasurer.[3] Later, under the Revised Statutes of 1852, the duties were divided between the auditor and treasurer.[4] The auditor had the sole authority to make loans until 1935.[5]

The common school fund, as established by the Constitution of 1851,[6] is kept by the auditor in pursuance of an act of 1865, in two separate accounts:[7] 1) The common school fund, consisting of moneys from the sale of escheated property, fines assessed by the courts, all lands granted to the state without a special object named in the grant, all money and lands belonging formerly to county seminaries, and all appropriations for schools, together with sundry minor funds. 2) The congressional township school fund, consisting of moneys from the sale of congressional township school lands. Distribution of the common school fund is made by the state biennially to the counties on the basis of the last enumeration of school children. Both funds are in the control of the county[8] and are loaned and managed by the county,[9] which is held liable for both principal and interest.[10] Whenever more than five thousand dollars in either fund remains unloaned in the county for six months, the county auditor must notify the auditor of state and the unloaned moneys may be transferred from the county to another county.[11]

The school fund board makes all loans from these school funds to owners of real estate, properly secured by mortgage. The board must satisfy itself, after approval of the title by the county attorney, as to the value of real estate offered in the mortgage, the validity of the title, and whether it is encumbered.[12] Loans may also be made to the county upon proper authorization by the county council, in certain cases, for a period not exceeding five years.[13]

The records are located in the courthouse.

[2] Acts 1828-29, ch. 84, sec. 8.

[3] Acts 1849-50 (general), ch. 231, secs. 2, 4.

[4] 1 Rev. Stat. 1852, ch. 98, sec. 133.

[5] 1 Rev. Stat. 1852, ch. 98, sec. 34. Acts 1865, ch. 1, sec. 75.

[6] Const., art. 8, sec. 2. Though the constitutional provision combines all moneys into one fund—the common school fund—these two funds are still called by their separate names as before, as well as kept separately on the auditor's books.

[7] Acts 1865; Burns 28-105; Baldwin 6511.

[8] Acts 1865; Burns 28-101; Baldwin 6499.

[9] Acts 1907; Burns 28-102; Baldwin 6500.

[10] Acts 1865; Burns 28-104; Baldwin 6499-1.

[11] Acts 1907; Burns 28-206; Baldwin 6573.

[12] Acts 1865, 1935; Burns, 1937 suppl., 28-209; Baldwin, 1935 suppl., 6558.

[13] Acts 1901; Burns 28-201, 28-202; Baldwin 6568, 6569.

456. [Applications and Papers for School Fund Loans], 1921—. 56 file boxes.

Applications and papers pertaining to current school fund loans, including abstracts of title to property offered as security, insurance policies on property, and appraiser's and attorney's reports, showing date of application; names of applicant, appraiser, and attorney; amount of loan requested; and appraised valuation, location, and description of property. Arr. alph. by names of applicants. Hdw. and typed. 10 x 5 x 14. Aud. off., rm. 41.

457. [School Fund Mortgages], 1929—. 10 file drawers.

Original real estate mortgages executed as security for loans made from school funds, showing date, amount, and conditions of mortgage; names of mortgagee (State of Indiana) and mortgagor; description, location, and valuation of property; rate of interest; and approval of school fund board. Arr. by dates of mortgages. Hdw. and typed. 4 x 10 x 16. Aud. off., rm. 43.

For record of school fund mortgages, 1858-80, see entry 105.

458. School Fund Loans Paid, 1922—. 26 file boxes.

Original instruments filed to secure school fund loans that have been paid, showing dates of loan, payment, and filing; names of property owner and appraiser; amounts of loan and interest; location and description of property; and amounts of insurance and appraised value. Arr. by dates of filing. Hdw. and typed. 10 x 5 x 14. Aud. off., rm. 41.

For record of payments on school fund loans, see entry 556.

XX. TREASURER

The treasurer is a constitutional officer, elected for a two-year term. The office of treasurer is established in Marion County under the Constitution of 1851, and no person is eligible to hold it for more than four years in any six-year period.[1] The treasurer is required to execute his official bond in the penalty of not less than the amount of money which may come into his hands at any time during his term.[2]

Prior to the Constitution of 1851, the office of treasurer was established in Marion County in 1822, the date of its organization, under the authority of an act of 1817 and the organization act. The treasurer, then a statutory officer, was appointed by the board of commissioners.[3] He received and disbursed county funds,[4] but did not collect the taxes.[5] From 1822 to 1841, the sheriff or some other person was appointed collector of taxes by the board of commissioners, under authority of acts of 1818 and 1824.[6] The treasurer became an elective

[1] Const., art. 6, sec. 2.

[2] 1 Rev. Stat. 1852, Acts 1865, 1919; Burns 49-3101; Baldwin 5548.

[3] Commissioners' Record, 1:3.

[4] Acts 1816-17, ch. 17, secs. 1-2. Acts 1821-22, ch. 72, sec. 2. Sulgrove, *History of Indianapolis and Marion County*, 497.

[5] Acts 1816-17, ch. 17, sec. 10; ch. 19, secs. 9, 15, 16.

[6] Acts 1817-18 (general), ch. 42, sec. 14. Rev. Laws 1824, ch. 86, sec. 18.

officer by an act of 1841, and since that time, has had charge of collecting the taxes.[7]

The treasurer receives all moneys coming to Marion County and disburses the same on the proper orders issued and attested by the auditor.[8] He collects all taxes for state, county, school, road, or other purposes, due the county on the tax duplicate,[9] delivered to him by the auditor,[10] including city taxes.[11] He sells by public auction real estate[12] and personal property[13] for delinquent taxes. He also collects taxes from corporations in the county,[14] inheritance taxes on estates of decedents resident in the county,[15] and the excise tax on shares of stock and deposits of banks[16] and loan associations;[17] and sells intangible tax stamps for the state board of tax commissioners.[18]

The treasurer makes quarterly reports to the board of commissioners, showing the true amount of money in the county treasury;[19] a monthly report to the auditor, showing the total amount of cash payments received during the month and the respective accounts on which the same was paid,[20] semiannual settlements for taxes with the county auditor in May and November[21] and in accordance therewith pays to the state treasurer in June and December all money due for state purposes;[22] and makes such other payments to the state treasurer as authorized during the year.[23] He makes to the auditor, quarterly and at the expiration of his term of office, a sworn report showing specifically the amount of fees collected,[24] and deposits quarterly with the auditor all orders (warrants) redeemed.[25] The treasurer is ex officio a member of the board of review of Marion County.[26]

The treasurer must keep his office at the county seat and it must be open for the transaction of business during business hours;[27] he must keep his office and books and papers belonging thereto in a fireproof building where such has been provided by the board of commissioners.[28]

[7] Acts 1840-41 (general), ch. 4, secs. 1, 13.

[8] 1 Rev. Stat. 1852; Burns 49-3103, 49-3111; Baldwin 5550, 5558.

[9] Acts 1919; Burns 64-1502; Baldwin 15748.

[10] Acts 1919; Burns 64-1408; Baldwin 15745.

[11] Acts 1905; Burns 48-6701, 48-6702, 48-6705; Baldwin 11511 to 11513.

[12] Acts 1919; Burns 64-1516; Baldwin 15770.

[13] Acts 1919; Burns 64-1705; Baldwin 15782.

[14] Acts 1919; Burns 64-1801; Baldwin 15783.

[15] Acts 1931; Burns 6-2413; Baldwin 15951.

[16] Acts 1933; Burns 64-804; Baldwin 15585.

[17] Acts 1933; Burns 64-827; Baldwin 15608.

[18] Acts 1933; Burns 64-927; Baldwin 15925.

[19] Acts 1895; 1913; Burns 49-1403; Baldwin 7578.

[20] Acts 1919; Burns 64-2101; Baldwin 15802.

[21] Acts 1919; Burns 64-2501; Baldwin 15850.

[22] Acts 1919; Burns 64-2503, 64-2504; Baldwin 15852, 15853.

[23] Acts 1859, 1861; Burns 49-1813; Baldwin 15059. Acts 1937; Burns, 1937 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

[24] Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

[25] 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5516.

[26] Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

[27] 1 Rev. Stat. 1852; Burns 49-3106; Baldwin 5553.

[28] Acts 1853; Burns 49-3107, 49-3108; Baldwin 5556, 5557.

He keeps separate cashbooks—for taxes and special assessments and for payments of all other purposes[29]—and is required to keep his books by separate accounts for separate funds or specific appropriations as well as by one general account.[30]

The records are located in the courthouse.

Tax Collections

PERSONAL AND REAL PROPERTY

459. Tax Duplicate, 1848—. 2151 vols. (numbered by years).
Record compiled by auditor each year of taxes payable, showing duplicate number; name of taxpayer; description of real estate; number of lots, out-lots, and blocks; value of lands, lots, improvements, and personal and corporation property; amount of poll tax; total net value of all taxables; amounts payable and paid first and second installments; total current taxes payable; delinquents from former years; delinquents after second installment; and memorandum of disposition of delinquent taxes. Arr. by taxing units, thereunder alph. by names of taxpayers. 1848-1904, hdw.; 1905—, typed. 250 pp. 16 x 30 x 3. 1 vol., 1877, rec. rm. 5, sec. 14; 1165 vols., 1848-1930, rec. rm. 3, secs. 1-5, 8, 10, 11, 15-17; 447 vols., 1849-1912, rec. rm. 1, secs. 12, 13, 28; 411 vols., 1852-1935, rec. rm. 4, secs. 6-8; 127 vols., 1934—, treas. off., rm. 27.

460. Duplicate Tax Statements, 1917—. 4684 bdls.
Duplicate statements of taxes paid, showing date and number of statement, description of property, name of owner, amount of tax, and tax duplicate number. Arr. alph. by names of taxpayers. Hdw. and typed. 6 x 9 x 5. 4434 bdls., 1917-36, rec. rm. 3, secs. 1-6, 8, 10, 14-16; 250 bdls., 1937—, treas. off., rm. 27.

461. Itemized Collection of Taxes, 1929—. 3 vols.
Record of itemized collection of current and delinquent taxes, showing date of collection, name of taxing unit, and amount collected. Arr. by dates of collections. Hdw. 350 pp. 20 x 20 x 1½. Treas. off., rm. 27.

462. Register of Receipts, Taxes, 1850-1907, 1918—. 365 vols.
Record of cash receipts from taxes, showing date of payment, duplicate number, name of property owner, and source and amount of receipt. Arr. by dates of payments. Hdw. and typed. 500 pp. 18 x 15 x 4. 268 vols., 1850-1907, 1918-35, rec. rm. 3, secs. 10-15; 1 vol., 1928, aud. off., rm. 37; 85 vols., 1931-36, rec. rm. 5, sec. 1; 11 vols., 1932—, treas. off., rm. 27.

463. Tax Receipts, 1849-1915. 842 vols.
Stubs of receipts issued for payment of road, poll, personal property, and real estate taxes, showing receipt and duplicate numbers, date and amount of payment, and name of taxpayer. Arr. by dates of payments. Hdw. 200 pp. 18 x 12 x 1½. 650 vols., 1849-94, rec. rm. 2, sec. 13; 145 vols., 1882-94, rec. rm. 5, secs. 19, 22; 47 vols., 1875-1915, rec. rm. 3, sec. 15.

[29] Acts 1919; Burns 64-2401; Baldwin 15802.
[30] 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

464. Advance Tax, 1933—. 1 vol.
Duplicate receipts of advance tax payments, showing date of payment, receipt number, names of payer, and estate or receivership, amount of tax, and year to be paid. Arr. by receipt nos. Hdw. 300 pp. 14 x 7 x 1. Treas. off., rm. 27.

INHERITANCE TAX

(See also entries 144, 363, 364, 439, 441)

465. Order Determining Value of Estate and Amount of Tax, 1914—. 11 file boxes.
Orders determining value of estates and amount of inheritance tax paid, showing cause number; names of estate, administrator, heirs, and tax appraiser; dates of notice, decedent's death, and term and order of court; relationship of heirs; amounts of estate, bequests, exemption, tax paid, penalty, and appraiser's allowance; rate of tax; and location and description of real estate. Arr. by cause nos. Typed. 10 x 5 x 14. Treas. off., rm. 27.

466. [Card Index of Inheritance Tax], 1914—. 4 file drawers.
Card index of estates upon which inheritance taxes have been paid, showing cause number, dates of death and payment of tax, name of estate, and amount of tax. Arr. alph. by names of estates. Typed. 6 x 10 x 18. Treas. off., rm. 27.

467. [Inheritance Tax Receipt Book], 1935—. 5 vols.
Duplicate receipts of payment of inheritance taxes, showing names of payee, estate, and heirs; cause and receipt numbers; date of payment; amount of tax and discount or interest; and total amount due state. Arr. by receipt nos. Hdw. 400 pp. 8 x 8 x 2. Treas. off., rm. 27.

468. [Stubs of Paid Inheritance Tax Receipts], 1930—. 5 vols.
Stubs of receipts for inheritance taxes that have been paid, showing date of receipt; receipt and cause numbers; names of estate, heirs, and administrator or executor; date of death; amounts of tax and discount; and total amount paid. Arr. by receipt nos. Hdw. 400 pp. 10 x 24 x 2. Treas. off., rm. 27.

PUBLIC IMPROVEMENTS

469. Ditch Duplicate, 1914—. 3 vols. (1-3).
Record of current and delinquent assessments on ditches, showing dates of assessment and collection, name and address of property owner, location and description of land and allotment, name of ditch, and amounts assessed and delinquent. Arr. alph. by names of ditches. Hdw. and typed. 300 pp. 18 x 24 x 2½. Treas. off., rm. 27.

470. Road Tax Lists, 1878-1907, 1914. 9 vols. Title varies: Road Book.
List of property assessed for road taxes, showing date of assessment; serial number; name of owner; location, description, and value of land; value of improvements; total value; and amounts of mortgage exemption and tax. Arr. alph. by names of owners. Hdw. 300 pp. 18 x 13 x 2½. 7 vols., 1878-1906, rec. rm. 5, sec. 19; 2 vols., 1907, 1914, rec. rm. 3, sec. 15.

471. Old Road Tax Records, 1834-1916. 38 file boxes.
Duplicate copies of receipts issued for payment of road taxes, showing name of payer, date and amount of payment, and location and description of road. Arr. by dates of payments. Hdw. 5 x 4 x 10. 1 file box, 1834-55, rec. rm. 2, sec. 28; 37 file boxes, 1856-1916, rec. rm. 1, sec. 11.

472. Road Tax Receipts, 1851, 1868-69, 1871, 1879, 1887-89, 1891-92, 1904-16. 39 file boxes.
Receipts for road taxes paid by working on roads, showing date of receipt, names of laborer and road supervisor, amount of tax, and road district. Arr. by dates of receipts. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

473. Gravel Road Tax Duplicate, Jan.-Dec. 1868. 1 vol.
Record of taxpayers and assessment of taxes for construction of gravel roads, showing date of assessment; duplicate number; name of taxpayer; description of land; and amounts of assessment, interest, and costs. Arr. alph. by names of taxpayers. Hdw. 200 pp. 18 x 13 x 2½. Rec. rm. 1, sec. 13.

DELINQUENTS
(See also entries 536, 537)

474. Delinquent Tax, 1918-23, 1928—. 48 vols. (numbering varies).
List of property on which taxes are delinquent, showing name of owner; description and value of property; amounts of delinquency, penalty, interest, and total; and date taxes due. Arr. by taxing units, thereunder alph. by names of owners. Hdw. 188 pp. 16 x 18 x 1½. 33 vols., 1918-23, 1928-32, rec. rm. 3, sec. 8; 15 vols., 1928—, treas. off., rm. 27.

475. Delinquent Tax Receipts [Stubs], 1879-93. 50 vols.
Stubs of receipts issued for payment of delinquent taxes, showing serial and duplicate numbers; date of payment; name of taxpayer; amounts of principal, penalty, and costs; and total payment. Arr. by serial nos. Hdw. 150 pp. 18 x 12 x 2. 19 vols., 1879-82, rec. rm. 2, sec. 14; 31 vols., 1883-93, rec. rm. 5, sec. 22.

476. Delinquent Tax Statements, 1822-64. 2 file boxes.
Statements from auditors of other counties for the collection from residents of this county of tax delinquencies due to other counties, showing date of statement; period of delinquency; amounts of tax, penalties, interest, and fees; and names of taxpayer and foreign county. Arr. alph. by names of taxpayers. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

477. [Delinquent Tax Sale Lots and Lands], 1932—. 6 vols.
Record of proofs of publications of sale of lands and lots for delinquent taxes, showing date of sale and publication, name of purchaser, amount of sale, and location of land or lot. Arr. by dates of sales. Printed. 500 pp. 18 x 13 x 2. Treas. off., rm. 27.

478. [Delinquent Tax Sale Receipts], 1932—. 6 vols.
Stubs of receipts issued for purchase of land sold for delinquent taxes, showing date of receipt, receipt and duplicate numbers, name of purchaser, and amount of purchase price. Arr. by receipt nos. Hdw. 200 pp. 16 x 14 x 1. Treas. off., rm. 27.

479. Moratorium Tax Duplicates, 1933—. 13 vols. (1-13).
Record of taxpayers who have elected to pay delinquent taxes on a deferred payment plan, showing date of moratorium, schedule of payments, tax duplicate number, names of taxpayer and taxing unit, amount of tax, date and amount of payment, balance, and location and description of property. Arr. by tax duplicate nos. Hdw. 500 pp. 18 x 12 x 4. Treas. off., rm. 27.

For other moratorium records, see entry 550.

MISCELLANEOUS

480. Record of Receipt and Sale of Intangible Tax Stamps, 1933—. 1 vol.
Record of receipts of intangible tax stamps and sales made, showing date and quantity of stamps by denominations received and sold, amounts debited and credited, and consignment and receipt numbers. Arr. by dates received. Hdw. 300 pp. 20 x 18 x 1. Treas. off., rm. 27.

481. Monthly Tax Reports, 1936—. 1 file box.
Monthly reports of excise taxes by building and loan associations and banks, showing name of bank or association, date of report, and amount of excise tax. Arr. by dates of reports. Hdw. 10 x 5 x 14. Treas. off., rm. 27.

Receipts and Disbursements

482. Daily Register of Cash Receipts, 1932—. 6 vols.
Record of daily cash receipts collected from all sources, showing date received, name of fund credited, and amounts collected from each source. Arr. by dates received. Hdw. 400 pp. 16 x 24 x 2. Treas. off., rm. 27.

483. County Miscellaneous, 1872-1915, 1932—. 79 vols.
Duplicate receipts of all money received from all sources other than taxes, showing date, number, and amount of receipts; and names of payer and fund debited. Arr. by receipt nos. Hdw. 200 pp. 12 x 9 x 1. 65 vols., 1872-1915, rec. rm. 3, sec. 10; 14 vols., 1932—, treas. off., rm. 27.

484. Application to Pay, 1933—. 1 file drawer.
Orders of auditor to treasurer to receive payment of miscellaneous amounts due county, showing date, amount, and purpose of payment; and name of payer. Arr. by dates of payments. 6 x 8 x 12. Treas. off., rm. 27.

485. Register of Receipts, Miscellaneous, 1849-51, 1855-67, 1890—. 192 vols.
Ledger account of all money received by funds, showing names of payer and fund; and date, purpose, and amount of payment. Arr. by dates of payments. 1849-1904, hdw.; 1905—, typed. Condition fair. 600 pp. 17 x 11 x 3½. 190 vols., 1849-51, 1855-67, 1890-1935, rec. rm. 3, secs. 7, 9-11; 2 vols., 1936—, treas. off., rm. 27.

486. Treasurer's Cash Book, 1847—. 52 vols. (numbering varies).
Ledger of total amounts of money received and disbursed daily, showing date and amount of receipt or disbursement of each fund, grand total, and balance on hand. Arr. by dates of receipts or disbursements. Hdw. 350 pp. 18 x 12 x 2. 32 vols., 1847-1904, 1913-25, rec. rm. 3,

secs. 7, 15, 17; 7 vols., 1905-12, rec. rm. 5, sec. 19; 10 vols., 1926-35, bsmt., rm. 5; 1 vol., 1936, aud. off., rm. 35; 2 vols., 1937—, treas. off., rm. 27.

487. LEDGER, 1926—. 13 vols.

Record of receipts and disbursements, showing date, amount, and purpose of disbursement; and names of bank, payee or payer, and fund credited or debited; and amount deposited each day. Arr. alph. by names of funds or banks. Hdw. 600 pp. 18 x 14 x 3. 10 vols., 1926-35, bsmt., rm. 5; 1 vol., 1936, aud. off., rm. 37; 2 vols., 1937—, treas. off., rm. 27.

488. DEPOSITORY LEDGER, 1867-69, 1909-12, 1924—. 21 vols. Title varies: Depository Record County Funds.

Record of deposits and disbursements of county funds, showing date and amount of deposit or disbursement, names of fund and depository, deposit or warrant number, and balance on deposit. Arr. by dates of deposits and disbursements. 1867-1912, hdw.; 1924—, typed. Condition fair. 600 pp. 18 x 12 x 3. 17 vols., 1867-69, 1909-12, 1924-32, 1934-35, rec. rm. 5, secs. 7, 9; 2 vols., 1933, 1936, aud. off., rm. 37; 2 vols., 1937—, treas. off., rm. 27.

489. DEPOSIT SLIPS, 1935—. 1 file drawer.

Monthly deposit slips issued by banks, showing date and amount of deposit, and total amount deposited at end of month. Arr. by dates of deposits. Typed. 10 x 14 x 30. Treas. off., rm. 27.

490. CASH JOURNAL, 1878-81. 1 vol.

Record of daily cash receipts and deposits made at bank, showing date and amount received or deposited, and names of payee and depository. Arr. by dates of receipts or deposits. Hdw. Condition fair. 600 pp. 13 x 8 x 3. Rec. rm. 2, sec. 25.

491. DUPLICATE CHECKS, 1888-1911, 1915-18, 1937—. 396 file boxes, 3 cartons.

Duplicates of treasurer's checks, showing name of payee, amount and number of check, date of issue, and fund from which drawn. Arr. by check nos. Hdw. and typed. 235 file boxes, 5 x 4 x 10; cartons, 12 x 12 x 16; 161 file boxes, 10 x 5 x 14. 235 file boxes, 1888-1911, rec. rm. 3, sec. 6; 3 cartons, 1915-18, rec. rm. 5, secs. 25, 26; 161 file boxes, 1937—, treas. off., rm. 27.

492. ORDERS TO STOP PAYMENTS, 1914—. 1 file drawer.

Orders from auditor or other parties to treasurer to stop payments on specific checks, showing date of order, amount and number of checks, and name of payee. Arr. alph. by names of payee. Hdw. 10 x 14 x 30. Treas. off., rm. 27.

493. DISTRIBUTION OF WARRANTS, 1936—. 2 vols.

Record of warrants issued on various banks to distribute money to the various funds, showing date, number, amount, and purpose of warrant; and names of bank, payee, and fund credited. Arr. by dates of warrants. Hdw. 300 pp. 12 x 18 x 2. Treas. off., rm. 27.

494. REGISTER OF RECEIPTS AND DISBURSEMENTS OF FREE GRAVEL ROAD FUND, 1900-1910. 1 vol.

Record of money received for and disbursed from the free gravel road

fund, showing date and amount of receipt or disbursement, receipt or warrant number, and name of payer or payee. Arr. by dates of receipts or disbursements. Hdw. 300 pp. 16 x 12 x 1½. Rec. rm. 3, sec. 16.

For subsequent records, see entry 487.

School Funds
(See also entries 556-60)

495. School Fund, 1931—. 3 vols.

Duplicate receipts of cash received for payment into school funds, showing date, number, and amount of receipt; and names of payer and school fund credited. Arr. by receipt nos. Hdw. 300 pp. 12 x 12 x 1½. Treas. off., rm. 27.

496. Register of Receipts and Disbursements of School Funds, 1853-1927. 4 vols.

Record of receipts and disbursements of principal and interest of school funds, showing date received or disbursed, order or receipt number, fund credited or debited, name of payer or payee, total receipts or disbursements, and balance of fund. Arr. by dates of receipts or disbursements. Hdw. 161 pp. 18 x 16 x 2. Rec. rm. 2., sec. 28.

For subsequent records, see entry 487.

XXI. AUDITOR

The auditor is a constitutional officer, elected for a four-year term. The office of auditor is established in Marion County under the Constitution of 1851, and no person is eligible to hold it for more than eight years in any twelve-year period.[1] He is required to post bond in the amount of ten thousand dollars approved by and filed with the board of commissioners.[2]

Prior to the Constitution of 1851, the office of auditor was established in Marion County in 1841, under the authority of an act of that year. The auditor, then a statutory officer, was elected by the voters of the county for a five-year term.[3] The creation of this office was designed to relieve clerks of the circuit court from many duties relative to county business and the receipts and disbursements of county funds.[4]

The auditor is the financial agent of the county and the routine administration of county affairs centers in his office, through which all financial transactions are conducted.[5]

The principal functions of the auditor are fourfold: As a county "controller" he keeps the accounts of the county and issues warrants for all claims allowed by the board of commissioners, by court order,[6]

[1] Const., art. 6, sec. 2.

[2] Acts 1889; Burns 49-3003; Baldwin 5417.

[3] Acts 1840-41 (general), ch. 2, sec. 1. Sulgrove, *History of Indianapolis and Marion County*, 497.

[4] Acts 1840-41 (general), ch. 2, secs. 8, 53, 54.

[5] Snider, Clyde Frank, and Sappenfield, Max M., "County and Township Government in Indiana," in *Report of the Indiana State Committee on Governmental Economy*, 1935, p. 103.

[6] Acts 1897; Burns 26-809; Baldwin 5257.

or otherwise as statutes provide.[7] Ex officio he is clerk to the board of commissioners,[8] the county council,[9] and the board of tax adjustment,[10] and secretary of the board of finance.[11] He is also a member and secretary of the board of review,[12] and a member of the school fund board.[13] As a tax officer, he prepares the official tax duplicates,[14] certifies to the treasurer the amount of taxes due from banks;[15] and, if the board of tax adjustment fails to complete its duties on time or to reduce the rate to the legal maximum, fixes the tax rate within any municipal corporation in the county.[16] As budget officer, he compiles estimates made to him by each county agency; keeps them on file for one month, subject to inspection by any taxpayer; and submits them with his recommendations to the county council at its annual meeting.[17]

Other duties are: Managing the common school and the congressional township school funds, with the exception of making loans;[18] preparing the ditch duplicate, covering assessments for construction or repair of ditches and drains;[19] issuing licenses to peddlers, shows, and theaters,[20] and permits for public warehouses;[21] acknowledging deeds and mortgages executed for the security of trust fund loans;[22] and approving bonds of township trustees.[23]

The auditor must keep his office at the county seat and it must be open for the transaction of business at all times during business hours.[24] The auditor keeps a record of all the financial transactions of his office in cashbooks,[25] warrant books,[26] and fee books,[27] and in such separate books as prescribed by statute. He is required to keep separate accounts for each specific item of appropriation by the county council[28] and an accurate account current, with the treasurer, of county funds.[29] He also keeps a transfer book, arranged by townships, cities, and towns, of all land conveyances in the county.[30] He keeps the records

[7] 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

[8] 1 Rev. Stat. 1852; Burns 49-3004; Baldwin 5418.

[9] Acts 1899; Burns 26-509; Baldwin 5373.

[10] Acts 1937; Burns, 1937 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

[11] Acts 1937; Burns, 1937 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

[12] Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

[13] Acts 1865, 1935; Burns, 1937 suppl., 28-209; Baldwin, 1937 suppl., 6558.

[14] Acts 1919; Burns 64-1403; Baldwin 15740.

[15] Acts 1933; Burns 64-810; Baldwin 15591.

[16] Acts 1937; Burns, 1937 suppl., 64-314; Baldwin, 1937 suppl., 15897-8.

[17] Acts 1899; Burns 26-520; Baldwin 5384.

[18] Acts 1865; Burns 28-105; Baldwin 6511. Acts 1865, 1935; Burns, 1937 suppl., 28-209; Baldwin, 1935 suppl., 6558.

[19] Acts 1933; Burns 27-134; Baldwin 5770.

[20] 1 Rev. Stat. 1852; Burns 42-204; Baldwin 10447. Acts 1917, 1937; Burns, 1937 suppl., 42-201; Baldwin, 1937 suppl., 10443.

[21] Acts 1875, 1879 (Spec. Sess.); Burns 67-201; Baldwin 16206.

[22] 1 Rev. Stat. 1852; Burns 49-3011; Baldwin 5425.

[23] Acts 1915; Burns 65-103; Baldwin 16061.

[24] 1 Rev. Stat. 1852; Burns 49-3002; Baldwin 5416.

[25] Acts 1895; Burns 49-1401; Baldwin 7576.

[26] 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

[27] Acts 1895; Burns 49-1306; Baldwin 7559.

[28] Acts 1899; Burns 26-523; Baldwin 5387.

[29] 1 Rev. Stat. 1852; Burns 49-3010; Baldwin 5423.

[30] Acts 1919; Burns 64-1409; Baldwin 15746.

of all the boards of which he is clerk or secretary and must preserve the documents, books, papers, and maps deposited in his office.[31]

The records are located in the courthouse.

Audits and Reports

497. State Board of Accounts, 1909—. 5 bdls., 7 file boxes.
Statements of examiners of state board of accounts concerning the financial condition of the county offices after their examination of records, showing dates of audit and report, names of office and examiner, and condition of accounts. Arr. by dates of reports. Typed. Bdls., 9 x 5 x 12; file boxes, 10 x 5 x 14. 5 bdls., 1909-18, rec. rm. 5, sec. 1; 7 file boxes, 1919—, aud. off., rm. 41.

498. [Reports to Auditor], 1932—. 1 file drawer.
Reports submitted to the auditor, including budget estimates, prosecuting attorney's fee and cost reports, and welfare department reports. Contains: Expense of Court Officers and Trustees [Budget Estimates], 1934—, entry 31; [Tax Levies], entry 453; [Prosecuting Attorney's Reports], 1935—, entry 501; [Welfare Department Reports], 1936—, entry 502. Arr. by types of reports, thereunder by dates filed. Hdw. and typed. 12 x 16 x 24. Aud. off., rm. 41.

499. Various Reports, Clerk's, 1910—. 2 file boxes.
Reports by clerk of circuit court of docket fees collected in court actions, showing dates of report and filing, nature and number of action, and amount of fee collected. Arr. by dates of filing. Hdw. and typed. 10 x 5 x 14. Aud. off., rm. 41.

500. Various Records, Sheriff, 1925—. 3 file boxes.
Sheriff's reports of fees collected and amounts received from United States Government for housing and care of Federal prisoners in county jail, showing names of prisoner and judge; dates of report, commitment, and release from county jail; nature of criminal charge and sentence; total cost per day; number of days for which payment was made; and source and total of fees. Arr. by dates of reports. Hdw. 10 x 5 x 14. Aud. off., rm. 41.

501. [Prosecuting Attorney's Reports], 1935—. In [Reports to Auditor], entry 498.
Reports of fees and costs in court causes submitted by prosecuting attorney to auditor, showing dates of reports and filing, cause number, name of court, and amounts of fees and costs.

502. [Welfare Department Reports], 1936—. In [Reports to Auditor], entry 498.
Reports of department of public welfare submitted to auditor, including lists of certificates of awards for assistance, appointments, and repayments from old age assistance, showing date of report, names of client and appointee, amount of award, and date of repayment.

503. [Public Welfare Papers], 1936—. 3 file drawers.
Reports to auditor by department of welfare of awards for assistance, including certificates of awards, rejections, and modifications of old-age

[31] 1 Rev. Stat. 1852; Burns 49-3004; Baldwin 5418.

and children assistance, showing date of certificate, name of recipient, amount of award, and case number. Arr. alph. by names of recipients, thereunder by case nos. Typed. 14 x 16 x 30. Aud. off., rm. 37.

504. Condensed Ledger and Reports, 1867-72. 3 vols.
Record of total receipts and disbursements compiled annually of the status of county officials' accounts, showing date of receipt or disbursement, names of fund and payee, amount and purpose of receipt or disbursement, total, and balance in fund. Arr. by years. Hdw. Condition poor. 60 pp. 20 x 16 x 1½. Aud. off., rm. 37.

505. Township Trustees' Reports, 1859-94, 1922—. 83 file boxes, 27 vols.
Reports of expenditures of township trustees, showing nature, purpose, and amount of expense; name of fund charged; and dates of expenditure and report. Arr. by dates of reports. Hdw. 71 file boxes, 5 x 4 x 10; 12 file boxes, 10 x 5 x 14; 27 vols., 200 pp. 16 x 9 x ½. 63 file boxes, 1859-94, rec. rm. 1, sec. 11; 8 file boxes, 27 vols., 1925-34, rec. rm. 5, sec. 12; 12 file boxes, 1922—, aud. off., rm. 41.

506. Various Records, Justice of Peace Fines, 1916—. 2 file boxes.
Reports of fines collected by justices of the peace, showing dates of report and filing, names of justice and defendant, date and amount collected, and volume and page reference to Commissioners' Record, entry 1. Arr. by dates of filing. Hdw. and typed. 10 x 5 x 14. Aud. off., rm. 41.

507. Delinquent Dog Tax, 1898-1926. 23 vols.
Register of delinquent taxes due and paid on dogs, showing name and address of owner, sex of dog, amount of tax delinquent, and number of dogs. Arr. alph. by names of owners. Hdw. Condition fair. 120 pp. 16 x 12 x 1. 22 vols., 1898-1923, 1925-26, rec. rm. 5, secs. 19, 23; 1 vol., 1924, aud. off., rm. 37.

For other dog tax records, see entry 447.

508. Enumeration Record, 1883—. 320 vols.
Sexennial enumeration of male inhabitants of Marion County over the age of 21 years, showing register number; and name, age, address, and color of male. Arr. alph. by names of males. Hdw. 350 pp. 16 x 12 x 1½. 2 vols., 1895, 1913, rec. rm. 3, sec. 3; 29 vols., 1925, 1931, rec. rm. 2, sec. 2; 289 vols., 1883-1901, 1912, 1937, rec. rm. 5, secs. 1, 27.

Receipts and Disbursements

509. Ledger, 1901—. 36 vols. (numbering varies).
Ledger of appropriations and disbursements of funds for all county institutions and officers, and payments of all miscellaneous claims filed and allowed, showing date, nature, and amount of appropriation or disbursement; appropriation number; name of fund credited or debited; and balance in fund. Also contains: [Highway Appropriations and Disbursements], 1930—, entry 643. Ledger, indexed alph. by names of funds. Hdw. 500 pp. 20 x 14 x 2½. 23 vols., 1901-28, rec. rm. 5,

sec. 6; 2 vols., 1936-37, aud. off., rm. 37; 11 vols., 1902, 1910, 1916, 1929—, aud. off., rm. 43.

510. Appropriation Record, 1928-31. 1 vol.

Ledger of appropriations and itemized account of disbursements of county funds, showing dates and amounts of appropriation and disbursement, and balance in fund. Arr. by dates of disbursements. Hdw. 350 pp. 14 x 22 x 2. Rec. rm. 5, sec. 6.

For subsequent records, see entry 509.

511. Auditor's Condensed Ledger, 1870-93. 3 vols.

Record of the auditor's receipts, disbursements, and distribution of funds, showing date of receipt or disbursement, warrant or receipt number, name of payee or payer, amount of transaction, fund debited or credited, and balance in fund. Arr. by dates of receipts or disbursements. Hdw. 150 pp. 18 x 20 x 2. Rec. rm. 4, sec. 6.

512. Register of Orders, 1841-51, 1862-68, 1880, 1884-1903, 1908-14, 1917—. 116 vols. (51 vols. not numbered, 50-114). Title varies: Register of Orders County Funds.

Transcripts and duplicates of orders drawn on treasurer for payment of county expenses and disbursements of funds, showing order, claim, and appropriation numbers; date, amount, and purpose of order; and name of payee. Arr. by order nos. Hdw. 750 pp. 20 x 14 x 4. 24 vols., 1841-51, 1862-68, 1884-86, 1921-27, rec. rm. 5, secs. 14, 15; 47 vols., 1880, 1887-1903, 1908-14, 1917-20, rec. rm. 3, secs. 7, 10; 45 vols., 1928—, aud. off., rm. 37.

513. Register of Orders Special Funds, 1920—. 27 vols. (10-36).

Duplicates of orders drawn on treasurer to disburse special funds, showing order, claim, and appropriation numbers; date, amount, and purpose of order; and name of payee. Arr. by order nos. Hdw. 650 pp. 20 x 14 x 3. 7 vols., 1920-27, rec. rm. 5, sec. 15; 20 vols. 1928—, aud. off., rm. 37.

514. Register of Old Age Pension Orders, 1934—. 29 vols. (1-29).

Duplicates of orders issued on treasurer for payment of old-age pensions, showing date and amount of payment, order number, and name and address of pensioner. Arr. by dates of orders. Typed. 600 pp. 18 x 13 x 3. Aud. off., rm. 37.

For other old-age pension records, see entries 123, 124, 598-600.

515. Court Allowances, 1876-86, 1911—. 19 file boxes, 8 bdls., 1 file drawer.

Orders of allowances for service rendered by court officers, showing dates of service and allowance, names of payee and court, warrant number, and amount and purpose of allowance. Arr. by dates of allowances. Hdw. File boxes, 5 x 4 x 10; bdls., 8 x 5 x 3; file drawer, 12 x 18 x 30. 19 file boxes, 1876-86, rec. rm. 1, sec. 11; 8 bdls., 1911-21, rec. rm. 4, sec. 2; 1 file drawer, 1922—, aud. off., rm. 39.

516. Change of Venue, 1911—. 6 bdls., 2 cartons, 7 file boxes.

Statements of expenses incurred in change of venue causes, showing cause number, date filed, amount of expense, and name of court or county to whom venued. Arr. by dates of filing. Typed. Bdls., 10 x 4 x 6; cartons, 15 x 15 x 12; file boxes, 10 x 5 x 14. 3 bdls., 2 cartons, 1911-25,

rec. rm. 5, secs. 1, 20; 3 bdls., 1911-12, rec. rm. 4, sec. 2; 7 file boxes, 1926—, aud. off., rm. 41.

For other change of venue records, see entries 192, 193.

517. Treasurer's Receipts, 1920—. 14 bdls., 8 file boxes.

Receipts issued by treasurer for money paid to county, and filed with auditor to obtain quietus, showing date, amount, and purpose of receipt; and name of payer. Arr. by dates of receipts. Hdw. Bdls., 9 x 5 x 13; file boxes, 10 x 5 x 14. 14 bdls., 1920-31, rec. rm. 5, sec 1; 8 file boxes, 1932—, aud. off., rm. 41.

518. Auditor's Quietus Record, 1924—. 7 vols. Title varies: Register of Warrants.

Copies of quietus issued by auditor upon presentation of treasurer's receipts, showing date and number of quietus, name of payer, amount and purpose for which paid, and account debited. Arr. by dates of quietus. Typed. 972 pp. 18 x 12 x 4. 3 vols., 1924-30, rec. rm. 5, sec. 13; 2 vols., 1931-36, aud. off., rm. 37; 2 vols., 1937—, aud. off., rm. 41.

519. Cancelled Warrants, 1916—. 10 bdls., 109 file boxes.

County warrants paid by depositories, showing date, number, amount, and purpose of warrant; and names of payee and depository. Arr. by warrant nos. Typed. Bdls., 14 x 12 x 6; file boxes, 10 x 5 x 14. 10 bdls., 1916-21, rec. rm. 4, sec. 3; 109 file boxes, 1922—, aud. off., rm. 41.

520. Fee and Cash Books, 1890-94, 1910—. 5 vols. (1-3, and 2 vols. not numbered).

Record of auditor's fees collected for services on instruments filed in his office, showing date and amount collected, name of payer, and kind of instrument. Arr. by dates of collection. Hdw. 275 pp. 20 x 14 x 2½. 2 vols., 1890-94, 1910-23, rec. rm. 5, sec. 22; 1 vol., 1916-23, aud. off., rm. 37; 2 vols., 1924—, aud. off., rm. 43.

521. Refund Mortgage Filing Fee, 1922—. 11 file boxes.

Duplicates of receipts issued for payment of fees in filing of mortgage exemptions, showing date of receipt, names and addresses of mortgagor and mortgagee, instrument number, and amount of fee. Arr. by dates of receipts. Hdw. 10 x 5 x 14. Aud. off., rm. 37.

Taxes

APPRAISEMENTS

522. Entry Book of Transfers, 1920-24, 1926—. 18 vols. (3, 5-8, 10-21, and 1 vol. not numbered).

Record of entries of transfers of real estate, showing dates of transfer and deed, names of grantor and grantee, description of land, and consideration. Indexed alph. by names of grantors. Hdw. 320 pp. 18 x 18 x 2½. 11 vols., 1920-24, 1926-31, rec. rm. 5, secs. 9, 14; 7 vols., 1929—, aud off., rm. 39.

523. Transfer Books, 1859—. 741 vols.

Record of transfers of ownership of real estate located in county, and recorded with auditor for tax purposes, showing date of transfer; names of grantor and grantee; and location, description, and valuation of property. Indexed alph. by names of grantors and grantees. 1859-1918, hdw.; 1919—, typed. 240 pp. 18 x 14 x 2. 116 vols., 1859-1930, aud.

off., rm. 37; 198 vols., 1860-1932, rec. rm. 5, secs. 9, 23; 292 vols., 1859—, aud. off., rm. 39; 135 vols., 1925—, assr. off., rm. 19.

524. Transfer Cards, 1930—. 81 file drawers (numbering varies). File cards of transfers of real estate, showing names of grantor and grantee, and location and description by townships and subdivisions of real estate transferred. Arr. alph. by names of townships and subdivisions. 4 x 5 x 16. 36 file drawers, 1930-34, aud. off., rm. 39; 45 file drawers, 1935—, aud. off., rm. 37.

525. Transfer Pickups, 1935—. 14 file drawers. File cards of real estate transfers not recorded until after property was assessed for current taxes, showing date of filing; name of grantee; and description, location, and valuation of property. Arr. alph. by names of townships, thereunder by names of grantees. 4 x 5 x 18. Aud. off., rm. 43.

RETURNS

526. Track Elevations, 1868-81, 1922—. 7 file boxes.
Papers pertaining to tax assessments for track elevations, showing dates of assessment and filing, name of corporation, location of elevation, and amount of assessment. Arr. by dates of filing. Hdw. 1 file box, 5 x 4 x 10; 6 file boxes, 10 x 5 x 14. 1 file box, 1868-81, rec. rm. 5, sec. 12; 6 file boxes, 1922—, aud. off., rm. 41.

527. Telephone, Telegraph, Express and Sleeping Car Assessments, 1891-1912, 1927-31. 8 file boxes.
Affidavits of telephone, telegraph, express, and sleeping car companies of the valuation of all property of the company for tax assessment purposes, showing date of affidavit, name of company, nature of business, and itemized list and valuation of property. Arr. alph. by names of companies. Hdw. 6 file boxes, 5 x 4 x 10; 2 file boxes, 10 x 5 x 14. 6 file boxes, 1891-1912, rec. rm. 1, sec. 11; 2 file boxes, 1927-31, aud. off., rm. 43.

528. State Tax Board Assessments, 1925—. 9 file boxes. Title varies: State Tax Record.
Original assessment lists of public utilities, showing date of assessment; name of utility; description, location, and valuation of property; and total amount assessed. Arr. by dates of assessment. Hdw. 10 x 5 x 14. Aud. off., rm. 43.

529. Federal Court Affidavits Reducing Assessments, 1932—. 1 file drawer.
Original court affidavits of companies, corporations, and individuals doing interstate business, showing date and amount of assessment, cause number, copy of claims for reduction, total amount of new assessment, date of filing, and name of firm or individual. Arr. by dates of filing. Typed. 4 x 5 x 18. Aud. off., rm. 43.

ASSESSMENT LISTS

530. Assessment Lists, 1877-92, 1907—. 26 vols., 474 file boxes, 4790 bdls.
Assessment lists of real and personal property, showing date and num-

ber of assessment; location, description, and valuation of property; and name of owner. Arr. by twps., thereunder by assessment nos. Hdw. Vols., 300 pp. 14 x 8 x 1½; bdls., 14 x 4 x 9; 215 file boxes, 5 x 4 x 10; 259 file boxes, 10 x 5 x 14. 26 vols., 215 file boxes, 4790 bdls., 1877-92, 1907-36, rec. rm. 5, secs. 1-27; 259 file boxes, 1937—, assr. off., rm. 21.

For other assessment lists, see entry 442.

531. Assessor's Book, 1844—. 1612 vols.

Record of real and personal property for assessor's use in ascertaining value of property for tax purposes, showing name of owner, description of property and improvements, assessed valuation, and mortgage indebtedness. Arr. alph. by names of owners. 1844-1917, hdw.; 1918—, typed. 500 pp. 16 x 12 x 2. 1398 vols., 1844-1932, rec. rm. 5, secs. 9, 14, 22, 23; 2 vols., 1870, 1886, rec. rm. 3, sec. 3; 1 vol., 1880, rec. rm. 4, sec. 6. 91 vols., 1931-33, assr. off., rm. 19; 70 vols., 1934-37, assr. off., rm. 9; 50 vols., 1935—, assr. off., rm. 21.

EXEMPTIONS

532. Affidavits of Mortgage Indebtedness, 1902—. 400 bdls., 89 vols.

Affidavits of owners of mortgaged property for purpose of obtaining tax exemptions, showing name of owner, date of affidavit, location, and description of property, and amount of indebtedness. Arr. alph. by names of owners. Hdw. Bdls., 6 x 3 x 8; vols., 200 pp. 16 x 10 x 3½. 69 bdls., 1902-25, rec. rm. 4, sec. 1; 331 bdls., 1919-35, rec. rm. 5, secs. 20, 24; 89 vols., 1936—, aud. off., rm. 37.

533. Mortgage Exemption Affidavits [Error], 1925—. 6 file boxes.

Mortgage exemption affidavits filed due to error in originals, showing date of affidavit, name of property owner, location and description of property, amounts of mortgage and exemption, and volume and page reference to Mortgage Record, entry 103. Arr. by dates of filing. Typed. 10 x 5 x 14. Aud. off., rm. 43.

534. Affidavit of Soldiers' Exemptions, 1922—. 1 bdl., 1 vol.

Original affidavits of property owners who are ex-soldiers and entitled to assessment exemptions, showing date of affidavit, name of property owner, military service, location and description of property, and amount of exemption. Arr. alph. by names of property owners. Hdw. Bdl., 5 x 3 x 10; vol., 1500 pp. 9 x 8 x 6. 1 bdl., 1922, rec. rm. 4, sec. 1; 1 vol., 1923—, aud. off., rm. 37.

For other military records see entries 27, 28, 125-27, 595.

535. Non-Taxable Church, 1928-31. 2 file boxes.

Original affidavits for tax exemptions on property owned by various churches, showing dates of affidavit and filing; name of church; and location, description, and use of property. Arr. by dates of filing. Typed. 10 x 5 x 14. Aud. off., rm. 43.

DELINQUENTS AND ERRONEOUS
(See also entries 474-78)

536. Register of Delinquent Lands and Lots, 1856, 1859-79, 1882, 1888, 1890-1915, 1929—. 33 vols. (18 vols. not numbered, 19-31, 34, 35).

Record of real estate on which payments of taxes are delinquent, showing name of owner, location and description of property, amounts of tax and penalty, and date of payment due. Arr. alph. by names of owners. Hdw. 350 pp. 16 x 14 x 2½. 7 vols., 1856, 1873, 1890-1907, rec. rm. 4, sec. 3; 4 vols., 1859-66, rec. rm. 3, sec. 3; 8 vols., 1863-79, rec. rm. 5, sec. 22; 1 vol., 1888, rec. rm. 1, sec. 13; 6 vols., 1882, 1902, 1908-15, aud. off., rm. 37; 7 vols., 1929—, aud. off., rm. 39.

537. Delinquent Work Sheets, 1934—. 18 file drawers.

Lists of property owners owing delinquent taxes, showing date taxes delinquent, name and address of owner, location and description of property, amounts of tax delinquency and penalty, and volume reference to tax duplicate. Arr. by taxing units, thereunder alph. by names of owners. Hdw. 5 x 10 x 18. Aud. off., rm. 43.

538. Taxes Omitted, 1922—. 24 file boxes.

Statements of tax assessments omitted on tax duplicates through error, showing date of filing, name and address of taxpayer, amount of tax, and nature of error. Arr. alph. by names of taxpayers. Hdw. 10 x 5 x 14. Aud. off., rm. 41.

539. Certificate of Errors, 1876—. 40 vols.

Carbon copies of auditor's certificates to treasurer to correct errors in tax assessments, showing certificate and tax duplicate numbers, name of taxpayer, amount of error, and date of issue. Arr. by dates of certificates. Hdw. 600 pp. 16 x 12 x 3. 4 vols., 1876-1910, rec. rm. 4, sec. 11; 25 vols., 1911-31, rec. rm. 5, secs. 6, 13; 11 vols., 1932—, aud. off., rm. 37.

540. Certificate of Error, 1854—. 74 file boxes, 5 bdls.

Duplicates of certificates sent to treasurer to correct errors in tax assessments, showing date and number of certificate, name of taxpayer, amount of error, and volume and page reference to Tax Duplicate, entry 459. Arr. by dates of certificates. Hdw. 40 file boxes, 5 x 4 x 10; 5 bdls., 10 x 12 x 6; 34 file boxes, 10 x 5 x 14. 10 file boxes, 1854-75, rec. rm. 1, sec. 11; 30 file boxes, 1876-1922, rec. rm. 4, sec. 4; 5 bdls., 1918-25, rec. rm. 5, sec. 1; 34 file boxes, 1923—, aud. off., rm. 41.

541. Horizontal Tax [Tax Refund Claims], 1922—. 31 file boxes.

Original claims filed to collect refunds of excessive taxes paid under protest against a horizontal increase in taxes, showing date filed, name of taxpayer, amounts of tax and refund, and claim number. Arr. by claim nos. Hdw. 10 x 5 x 14. Aud. off., rm. 37.

542. Surplus Tax Claims, 1924—. 14 file boxes.

Claims filed against county for repayment of excessive taxes originally paid through error, showing date of payment, name of taxpayer, description of property, amounts paid and returned, and volume and page reference to Tax Duplicate, entry 459. Arr. alph. by names of taxpayers. Hdw. 10 x 5 x 14. Aud. off., rm. 41.

543. State and County Revenue Claims, 1922—. 5 file boxes.
Claims filed and paid for refund of taxes paid through error, showing dates of filing and payment, name of payee, and nature and amount of claim. Arr. by dates of payments. Hdw. 10 x 5 x 14. Aud. off., rm. 41.

544. Tax Sales Register, 1844—. 37 vols. (10 vols. not numbered, 1-21, 1-6).
Record of lands and lots sold for taxes, showing names of owner, purchaser, and taxpayer; certificate and duplicate numbers; description of property; amount of purchase; and date of redemption. Indexed alph. by names of purchasers; for separate index, 1844-1925, see entry 545. 1844-Jan. 6, 1919, hdw.; Jan. 8, 1919—, typed. Condition fair. 350 pp. 16 x 14 x 3. 16 vols., 1884-91, rec. rm. 5, secs. 13, 14; 17 vols., 1892-1912, rec. rm. 3, sec. 15; 4 vols., 1913—, aud. off., rm. 39.

For record of tax sale deeds, see entries 94, 549.

545. Index of Real Estate Tax Sales, approx. 1844-1925. 1 vol. (2).
Partial index to Tax Sales Register, entry 544, showing names of property owner and purchaser, location and description of property, and volume and page reference to recording. Arr. alph. by names of property owners. Hdw. 600 pp. 16 x 14 x 3. Aud. off., rm. 37.

546. Tax Certificates, 1896—. 102 bdls., 6 file boxes.
Original certificates of sales of property sold for delinquent taxes, showing dates of sale and certificate, name of purchaser, certificate number, description of property, name of owner, amount paid by purchaser, and affidavit of treasurer that taxes have not been paid on property. Arr. by dates of certificates. Typed. 10 x 5 x 14. 102 bdls., 1896-1931, rec. rm. 5, sec. 1; 6 file boxes, 1932—, aud. off., rm. 41.

547. Register of Tax Sale Certificates, 1895-1907. 3 vols.
Register of certificates issued to purchasers of property sold for delinquent taxes, showing date and number of certificate; amounts of current and delinquent taxes, penalty, interest, and total due; amount paid; location and description of property; and name of purchaser. Arr. by dates of certificates. 500 pp. 16 x 12 x 2. 2 vols., 1895-1901, rec. rm. 3, sec. 3; 1 vol., 1902-7, rec. rm. 5, sec. 14.

548. Record of Assignments of Tax Sale Certificates, 1897—. 1 vol. (3).
Register of assignments of tax sale certificates of property sold for taxes, showing number of certificate; date of assignment; and names of property owner, assignor, and assignee. Indexed alph. by names of property owners. Hdw. 500 pp. 18 x 16 x 3. Aud. off., rm. 39.

549. Register of Deeds, 1846-77. 2 vols.
Record of deeds issued to purchasers of lands and lots sold for delinquent taxes, showing dates of sale and deed, name of purchaser, and location and description of land. Indexed alph. by names of purchasers. Hdw. Condition fair. 160 pp. 16 x 10 x 1. Rec. rm. 3, sec. 3.

For other tax sale deeds, see entry 94. For records of tax sales, see entry 544.

550. Moratorium Work Sheet, 1933—. 24 file drawers.
Original moratorium work sheets of delinquent taxes to be paid under the moratorium payment plan, showing date of filing, names of taxpayer and

taxing unit, duplicate number, amount of tax returned delinquent each year, and total amount of penalty added. Arr. by townships, thereunder alph. by names of taxpayers. Hdw. 5 x 8 x 16. Aud. off., rm. 43.

For other moratorium records, see entry 479.

PLATS

551. Plat Books, 1886—. 393 vols.
Drawings of plats in each township, showing description of lands and lots, and names of owners. Hdw. 500 pp. 19 x 18 x 1. 1 vol., not dated, rec. rm. 4, sec. 5; 230 vols., 1886-1926, rec. rm. 5, sec. 12; 4 vols., 1911, rec. rm. 3, sec. 3; 22 vols., 1922-26, aud. off., rm. 39; 23 vols., 1926, assr. off., rm. 19; 3 vols., 1926-31, assr. off., rm. 6; 7 vols., 1931, assr. off., rm. 7; 17 vols., 1931-33, assr. off., rm. 21; 5 vols., 1932, assr. off., rm. 9; 81 vols., 1891-1909, 1915—, draftsman's off., rm. 10.

552. Plat Books of Indianapolis, 1849-1920. 10 vols. (3 vols. not numbered, 1-7).
Plats of City of Indianapolis, showing townships, sections, ranges, and lots with marginal explanations of ownership and transfers. Arr. by twps., thereunder alph. by subdivisions. For index, see entry 553. Hdw. Condition fair. 250 pp. 20 x 13 x 2. 1 vol., not dated, rec. rm. 3, sec. 3; 9 vols., 1849-1920, draftsman's off., rm. 10.

553. Index to Town Plats, 1849-1920. 2 vols. (A-K, L-Z).
Index to Plat Books of Indianapolis, entry 552, showing name of division or subdivision, location and description of land, date recorded, and volume and page reference to recording. Arr. alph. by names of subdivisions. Hdw. Condition fair. 300 pp. 19 x 14 x 2. Draftsman's off., rm. 10.

554. Plats, 1822—. 92 file drawers.
Negatives and tracings of plat maps of Marion County drawn from field notes, showing names of plat, subdivision, and section; marginal description of property ownership; date of transfer; name of former owner; and plat number. Arr. alph. by names of additions and sections. For index, see entry 555. Hdw. 2 x 18 x 24. Draftsman's off., rm. 10.

555. Index to Plats, 1822—. 4 drawers (A-G, H-P, R-Z, Sec.).
Index to Plats, entry 554, showing date drawn, number of plat, names of additions and sections, and location filed. Arr. alph. by names of additions or sections. Hdw. 4 x 10 x 24. Draftsman's off., rm. 10.

School Funds
(See also entries 495, 496)

556. Register of School Fund Loans, 1861—. 3 vols.
Register of principal and interest paid on congressional and common school fund loans, showing name of borrower, amounts of payment and interest, date of payment, and balance of loan due. Indexed alph. by names of borrowers. Hdw. 400 pp. 20 x 18 x 2. 1 vol., 1861-1911, aud. off., rm. 37; 2 vols., 1912—, aud. off., rm. 41.

For school fund mortgages, see entry 457.

557. Record of Monthly Balance and Readjustment of Congressional Township Funds, 1913-28. 1 vol.

Record of statements of distribution of revenue of congressional and common school funds, showing date of statement, school enumeration, per capita rate, amount of distribution, and number and amount of warrant. Arr. by dates of statements. Hdw. 300 pp. 16 x 18 x 2. Rec. rm. 5, sec. 23.

558. Register of School Funds, 1878-1902. 1 vol.

Register of principal and interest paid on congressional school fund loans, showing name of borrower, fund debited, amounts of principal and interest due, and date of payment. Indexed alph. by names of borrowers. Hdw. Condition fair. 450 pp. 16 x 12 x 3. Rec. rm. 4, sec. 6.

559. Register of Installments, 1853-1901. 2 vols.

Record of payments on school fund loans, showing date and amount of loan, name of borrower, date and amount of payment, balance of loan due, interest, and penalties. Arr. alph. by names of borrowers. Hdw. Condition fair. 450 pp. 17 x 11 x 2. Rec. rm. 3, sec. 3.

560. School Fund, 1872-99. 5 vols.

Record of receipts and disbursements of the common school fund, showing receipt or order number, name of payer or payee, date and amount of receipt or disbursement, and balance in fund. Arr. by dates of receipts or disbursements. Hdw. 250 pp. 18 x 24 x 2. Rec. rm. 5, sec. 19.

XXII. REGISTRATION OFFICER

The registration officer of Marion County is the clerk of the circuit court, ex officio, by authority of an act of 1933.[1]

The Constitution of 1851 prescribed the qualifications of voters[2] and an amendment of 1881 enjoined the general assembly to provide for the registration of all persons entitled to vote.[3] Various laws for registration have been enacted: An act of 1867, establishing a township board of registry[4] was repealed in 1869;[5] acts of 1889[6] and 1891,[7] providing for registration in the office of the clerk of the circuit court, were declared unconstitutional in 1890[8] and 1896,[9] respectively; an act of 1911, providing for a precinct registration board,[10] was repealed in 1917;[11] an act of 1917, creating a board of registration commissioners, generally called the registration board, consisting of the clerk of the circuit court and two qualified electors appointed by him, one from each of the major

[1] Acts 1933, 1935; Burns, 1937 suppl., 29-306; Baldwin, 1935 suppl., 7304.
[2] Const., art. 2, sec. 2.
[3] *Ibid.*, sec. 14.
[4] Acts 1867, ch. 51, sec. 2.
[5] Acts 1869 (Spec. Sess.), ch. 31, sec. 1.
[6] Acts 1889, ch. 87, sec. 13.
[7] Acts 1891, ch. 144, sec. 1.
[8] 125 Ind. 281.
[9] 144 Ind. 423.
[10] Acts 1911, ch. 150, sec. 3.
[11] Acts 1917, ch. 139, sec. 47.

political parties,[12] was repealed in 1919[13] and the board was succeeded by precinct boards by an act of that year;[14] and an act of 1925 created a registration board, consisting of the auditor and a person of opposite political faith, appointed by him.[15] In 1927 all preceding acts from 1919 were repealed.[16] The present system was established by an act of 1933, amended in 1935.[17]

Registration of all voters is a requirement for voting at all general, primary, and special elections in which all of the qualified voters of the state may participate.[18] The registration officer has full charge and control of the registration of the voters and provides all the necessary books and supplies which may be needed.[19]

The official registration books consist of the original affidavits of registration, fastened in binders,[20] and constitute a permanent registration record.[21] Voters need not register again, so long as they continue to reside in the same county, but failure to vote in any two-year period automatically cancels the elector's registration.[22] If the registration books of any precinct are destroyed or mutilated, or are inaccessible, a re-registration is had upon determination by the board of commissioners of the county.[23]

All forms, blanks, records, and other supplies used in the registration of voters are prescribed by the state board of election commissioners for the purpose of uniformity in the registration records of the state.[24]

The records are located in the courthouse.

561. [Precinct Binders], 1934—. 444 binders.
Original registration affidavits of voters arranged and bound in volumes by precincts, showing date of affidavit; name, age, sex, address, and signature of voter; and ward and precinct numbers. Arr. by wards and precinct nos., thereunder alph. by names of streets. Typed. 750 pp. 13 x 10 x 3. Clk. off., rm. 34.

562. [Master File], 1934—. 2212 files.
Affidavits of registration of voters, showing date of affidavit; name, age, sex, and address of voter; and ward and precinct numbers. Arr. alph. by names of voters. Typed. 20 x 9 x 1. Clk. off., rm. 34.

[12] *Ibid.*, sec. 4.
[13] Acts 1919, ch. 150, sec. 1.
[14] *Ibid.*, ch. 186, sec. 4.
[15] Acts 1925, ch. 138, sec. 1.
[16] Acts 1927, ch. 195, sec. 1.
[17] Acts 1933, 1935; Burns, 1937 suppl., 29-306; Baldwin, 1935 suppl., 7304.
[18] Acts 1933; Burns 29-301, 29-307; Baldwin 7299, 7305. Acts 1933, 1935; Burns, 1937 suppl., 29-336; Baldwin, 1935 suppl., 7334.
[19] Acts 1933; Burns 29-309; Baldwin 7307.
[20] Acts 1933; Burns 29-313, 29-316; Baldwin 7311, 7314.
[21] Acts 1933; Burns 29-302; Baldwin 7300.
[22] Acts 1933; Burns 29-303, 29-320; Baldwin 7301, 7318.
[23] Acts 1933; Burns 29-304; Baldwin 7302.
[24] Acts 1933; Burns 29-334; Baldwin 7332.

563. [Voters' Lists], 1934—. Approx. 1000 sheets.
Lists of eligible voters in each precinct, showing name and address of voter, and ward and precinct numbers. Arr. by ward and precinct nos. Typed. 15 x 24. Clk off., rm. 34.

564. Transfers, 1938. 16 file drawers.
Record of changes of addresses of voters, showing date of change, name of voter, and old and new addresses. Arr. alph. by names of voters. Typed. 4 x 5 x 24. Clk. off., rm. 34.

565. Cancellation Files, 1937—. 14 file drawers.
Registration cards of voters no longer eligible to vote because of death, removal from county, or failure to vote in last two years, showing date of cancelation of eligibility; name and address of disqualified voter; and precinct, ward, and registration numbers. Arr. alph. by names of disqualified voters. Typed. 12 x 14 x 24. Clk. off., rm. 34.

XXIII. BOARD OF PRIMARY ELECTION COMMISSIONERS

The board of primary election commissioners of Marion County is established by acts of 1907[1] and 1915, and subsequent amendatory acts. The members are the clerk of the circuit court and two persons appointed by him, one from each of the major political parties, nominated by the respective chairmen of the county committees of the parties. The primary election commissioners serve as election commissioners at the election for which nominations by the primary are made.[2]

Prior to 1907, nominations had been strictly a party affair. At first, candidates were proposed by a mass meeting, or by an informed caucus which might be a meeting, either of all the voters of the party in the precinct (township) or of party members interested sufficiently to attend (county and state). Out of the latter developed the party convention—an assembly of official delegates; these delegates were chosen by party officials such as precinct committeemen or county or district chairmen, as the case might be.[3]

Indiana was one of the first states to adopt the primary election as a means of choosing candidates. The law of 1889, which adopted the Australian ballot system, recognized the right of the party to hold a primary, which was under the control of the chairman who certified the names of the nominees to the county board of election commissioners.[4]

An act of 1901, mandatory upon all parties casting ten per cent of the total vote at the preceding general election, provided for the organization of political parties and the holding of two primary elections: One for precinct committeemen, and one for direct nomination of candidates or for election of delegates to a nominating conven-

[1] Acts 1907, ch. 282, secs. 1, 13.

[2] Acts 1915, 1917; Burns 29-504; Baldwin 7197.

[3] Bender, Alma Sickler, *Why Go Back? . . . from the Direct Primary to the Convention System . . .*, 21.

[4] Acts 1889, ch. 87, secs. 17, 18, 26.

tion. Each party selected its own board of primary election commissioners, consisting of the chairman, vice-chairman, secretary, and treasurer of the county central committee, together with not less than one qualified voter-freeholder from each township, to supervise these primaries which were conducted at the expense of the party. The polls were open from four to eight P.M., only members of the party could vote, and no two parties were permitted to hold primaries at the same time and place. The county chairman appointed the precinct election boards. The precinct committeemen elected at the first primary determined whether the party candidates should be nominated at a primary election or by a delegate convention. If a primary election was decided upon, the party chairman fixed the date and turned over the names of candidates, proposed by petition, to the county board of election commissioners which prepared the primary ballot. Returns were made to the party board of primary election commissioners which declared the nominees of the party, and the chairman certified their names to the county board of election commissioners. If a convention was decided upon, the party board of primary election commissioners determined the number of delegates to be elected from each precinct and fixed the time of meeting.[5]

The act of 1907 prescribed a compulsory direct primary election, under the supervision of a county board of primary election commissioners, for the nomination of party candidates for all county and township offices. This board consisted of the same membership as at present and its members acted as election commissioners at the general election. This primary election included all parties casting a ten per cent vote as in 1901, and was conducted by bipartisan precinct election boards paid from county funds. Precinct committeemen, however, were still elected at a party primary, conducted by party officials and held prior to the regular primary—separately for each party on the same date, but at different places in the precinct. Both primaries were otherwise subject to the general election laws.[6]

The present primary law incorporates both the nomination of candidates and the election of precinct committeemen and convention delegates in one primary election held at the same time and place and is mandatory on all political parties casting ten per cent of the total vote for secretary of state at the last preceding general election.[7] The board of primary election commissioners of Marion County supervises primary elections: It prints and distributes the ballots,[8] appoints the precinct election boards upon nomination by the county chairmen of the two major political parties,[9] and arranges the names of the candidates on

[5] Acts 1901, ch. 219, secs. 1-4, 6-11.

[6] Acts 1907, ch. 282, secs. 1, 2, 6, 10-15, 22, 57.

[7] Acts 1915; Burns 29-501; Baldwin 7187. Acts 1915, 1917, 1925, 1929; Burns 29-512; Baldwin 7197.

[8] Acts 1915, 1917; Burns 29-504; Baldwin 7190.

[9] Acts 1915; Burns 29-505, 29-556, 29-559; Baldwin 7191, 7242, 7244. Acts 1915, 1917; Burns 29-507; Baldwin 7193. Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096. Acts 1929, 1933; Burns 29-804; Baldwin 7093.

the ballots.[10] At all primaries the Australian ballot is used, made up of the tickets of the several parties qualified for participation in the election, each party having a separate ticket printed on different colored paper, uniform in size.[11] Declarations of candidacy are filed with or certified to the clerk of the circuit court, who is a member of the board.[12] All expenses of the primary are paid from public funds.[13] Candidates of the major political parties for all offices—including city, since 1933—except those to be voted upon by all the electors of the state, are nominated at the primary.[14] The statutes governing general elections apply to all primaries.[15]

Papers of primary election matters are filed in the office of the clerk of the circuit court (a member of the board of primary election commissioners), and are usually destroyed after a reasonable time.

Such records as exist are located in the courthouse.

[10] Acts 1915, 1937; Burns, 1937 suppl., 29-515; Baldwin, 1937 suppl., 7201.

[11] Acts 1915, 1917; Burns 29-504, 29-514; Baldwin 7190, 7200.

[12] Acts 1915, 1917, 1933, 1935; Burns, 1937 suppl., 29-513; Baldwin, 1935 suppl., 7199. Acts 1915, 1931, 1935; Burns, 1937 suppl., 29-516; Baldwin, 1935 suppl., 7202.

[13] Acts 1915; Burns 29-534; Baldwin 7220. Acts 1933; Burns 29-1805; Baldwin 11637.

[14] Acts 1915; Burns 29-501; Baldwin 7187. Acts 1915, 1917, 1925, 1929; Burns 29-512; Baldwin 7197. Acts 1933; Burns 29-1807; Baldwin 11639.

[15] Acts 1915; Burns 29-556, 29-559; Baldwin 7242, 7244.

566. COMMITTEEMEN, 1938. 2 binders.
Record of precinct committeemen elected at primary elections, showing date of election, names of committeemen and party, and ward and precinct numbers. Indexed alph. by names of committeemen. Hdw. 25 pp. 7 x 9 x ¼. Clk off., rm. 34.

XXIV. BOARD OF CANVASSERS

The board of canvassers of Marion County, consisting of the election commissioners, is established by an act of 1905.[1] The board elects its own chairman and the clerk of the circuit court is its clerk.[2]

Prior to 1843, the canvass of votes was made by the clerk of the circuit court in the presence of all the election judges who attended from the several townships.[3] The board of canvassers was established in 1843, consisting of the inspectors from the several townships, the clerk of the circuit court acting as clerk, and was continued until 1905. In case of an inspector's inability to serve, one of the judges was selected by the judges of the township or precinct in his place.[4]

[1] Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

[2] Acts 1905; Burns 29-1402; Baldwin 7378.

[3] Acts 1817-18 (general), ch. 15, sec. 12. Rev. Laws 1831, ch. 32, sec. 12.

[4] Rev. Stat. 1843, ch. 5, secs. 45-47. 1 Rev. Stat. 1852, ch. 31, secs. 31-33.

The canvas of votes in primary[5] and special[6] elections, including votes cast for city[7] and township offices,[8] is made in the same manner as in the general election.

The board has full power to send for persons and papers and compel witnesses to answer proper questions under oath. The sheriff serves all processes in county elections and obeys all orders of the board.[9]

The members of the board are required to assemble at six o'clock P.M., on the day of each election in a suitable room provided by the board of county commissioners upon an order of the circuit judge, to canvass and estimate the certificates, poll lists, and tally papers returned by the election inspectors;[10] to aggregate and tabulate therefrom the votes of the county; and to declare in a certified statement the candidates elected in the county.[11]

The ballots cast in all primary and general elections, together with all uncast ballots, are sealed in an envelope or bag by the inspector in the presence of the judges and clerks and delivered by him to the clerk of the circuit court. They are held subject to the demand of the judge of any circuit or superior court of the state. In event of suit to contest the election, the judge orders a recount. If no litigation arises, at the end of six months the clerk of the circuit court must destroy the ballots.[12]

The certificates, together with a statement of all votes tabulated, canvass sheets, poll books, and tally papers, are delivered to the clerk of the circuit court and filed and preserved by him in his office, open to the inspection of any legal voter.[13] These are destroyed after a reasonable time.

Such records as exist are located in the courthouse.

567. Recap and Canvass Sheets, 1922—. 16 vols.
Record of votes cast for each candidate by precinct, and total votes cast, showing date of election, names of candidates, ward and precinct numbers, and total number of votes cast. Arr. by ward and precinct nos. Hdw. 50 pp. 14 x 20 x 1. Clk. off., rm. 34.

[5] Acts 1915; Burns 29-560; Baldwin 7245. Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1933; Burns 29-1807; Baldwin 11639.

[6] Acts 1881 (Spec. Sess.); Burns 29-1704; Baldwin 7249. Acts 1889; Burns 29-1611; Baldwin 7169.

[7] Acts 1889 (Spec. Sess.); Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1803; Baldwin 11635.

[8] Acts 1933; Burns 29-1903; Baldwin 7252.

[9] Acts 1905; Burns 29-1408; Baldwin 7384.

[10] Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

[11] Acts 1905; Burns 29-1404, 29-1405; Baldwin 7380, 7381.

[12] Acts 1881 (Spec. Sess.); Burns 29-2101; Baldwin 7388. Acts 1915; Burns 29-1304; Baldwin 7456.

[13] Acts 1905; Burns 29-1404; Baldwin 7380.

XXV. BOARD OF ELECTION COMMISSIONERS

The board of election commissioners of Marion County is established by an act of 1889. The board consists of the clerk of the circuit court, and two persons appointed by him, one from each of the major political parties, nominated by the respective chairmen of the county committees of the parties.[1] These members are the same individuals at the primary and general elections, as the primary election commissioners, since 1907, also serve as the election commissioners at the general election for which nominations at the primary are made.[2] The board of election commissioners, since 1905, constitutes the board of canvassers.[3]

Prior to 1899, there was little centralized county control over elections. The unit in the beginning was the township, which as population grew was divided into precincts. Such supervision as was necessary beyond the local unit was performed by various county officers. At the organization of Marion County in 1822, the board of county commissioners laid off the townships,[4] appointed an inspector of elections in each,[5] and delivered to the inspectors poll books and other blank forms and ticket boxes.[6] From 1831 to 1853, the inspectors were elected by the voters of the township.[7] After 1853, elections were conducted as follows: The clerk of the circuit court certified to the sheriff what officers were to be elected. The sheriff posted a copy of this certificate at the usual places of holding elections, published it in some newspaper of the county, and delivered a copy to each township clerk[8] or trustee.[9] The board of county commissioners designated the precincts,[10] and furnished supplies (including ballot boxes but not ballots)[11]—after 1881 the auditor furnished printed forms[12] and the commissioners the ballot boxes.[13] Each voter furnished his own ballot, which might be written or printed.[14] The township trustee (from 1853 to 1859, the president of the board of township trustees)[15] served ex officio as inspector of elections[16] in the precinct in which he resided,[17] and the board of county commissioners appointed inspectors in all additional precincts.[18] The

[1] Acts 1889; Burns 29-1102; Baldwin 7109.

[2] Acts 1907, ch. 282, sec. 13. Acts 1915, 1917; Burns 29-504; Baldwin 7190.

[3] Acts 1905; Burns 29-1401; Baldwin 7377.

[4] Acts 1817-18 (general), ch. 17, sec. 2. Commissioners' Record, 1:4-7.

[5] Acts 1817-18 (general), ch. 15, sec. 1; ch. 17, sec. 3.

[6] *Ibid.*, secs. 1, 18.

[7] Rev. Laws 1831, ch. 20, sec. 20. Thornton, *Indiana Township Officers*, 20, 21.

[8] 1 Rev. Stat. 1852, ch. 31, sec. 2.

[9] Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082.

[10] 1 Rev. Stat. 1852, ch. 31, sec. 3. Acts 1881 (Spec. Sess.), ch. 47, sec. 8.

[11] 1 Rev. Stat. 1852, ch. 31, secs. 11, 12.

[12] Acts 1881 (Spec. Sess.), ch. 47, sec. 13.

[13] *Ibid.*, sec. 18.

[14] Acts 1817-18 (general), ch. 15, sec. 8. 1 Rev. Stat. 1852, ch. 31, sec. 17. Acts 1881 (Spec. Sess.), ch. 47, sec. 23.

[15] 1 Rev. Stat. 1852, ch. 31, sec. 3.

[16] Acts 1859; Burns 65-105; Baldwin 16065. Acts 1859, 1889; Burns 65-102; Baldwin 16060.

[17] Acts 1881 (Spec. Sess.) ch. 47, sec. 10.

[18] 1 Rev. Stat. 1852, ch. 31, sec. 4.

inspector appointed the judges; the inspector and judges, the clerks[19]—after 1881, from the political parties having the highest number of votes in the last preceding general election[20]—thus forming the precinct election board.

Indiana, in 1889, was one of the first states to adopt the "Australian ballot"—an official ballot printed at public expense by public officers and distributed at the polls by the election officers. The board of election commissioners was established to prepare, print, and distribute the ballots and otherwise administer the election laws in the county.[21]

The constitution fixes the date of general elections as the Tuesday next after the first Monday in November,[22] and the general assembly, as biennially.[23] The sheriff gives notice to electors by posting up at the usual polling places a copy of certificate from the clerk of the circuit court as to what officers are to be elected.[24] The constitution further provides that all elections by the people must be by ballot,[25] which includes voting machines[26] which are provided by the board of county commissioners.[27]

The board of county commissioners also establishes the precincts[28] and provides all polling places and ballot boxes,[29] and the auditor furnishes blank poll books and other forms to the inspectors.[30]

The county board of election commissioners supervises general elections:[31] It prints and distributes ballots for the election of all officers to be voted for in Marion County, other than those who are to be voted for by all of the electors of the state.[32] The state ballots are furnished by the state board of election commissioners.[33] The county ballots are prepared in accordance with petitions for placing candidates' names on the ballot and with certificates of nomination by convention or primary election, as filed with the clerk of the circuit court.[34] The county board also prints and furnishes the ballot label for the voting machines.[35]

[19] Acts 1817-18 (general), ch. 15, sec. 2. 1 Rev. Stat. 1852, ch. 31, sec. 4.

[20] Acts 1881 (Spec. Sess.), ch. 47, secs. 11, 12.

[21] Acts 1889, ch. 87, secs. 18, 26. Dunn, Jacob P., *A Manual of the Election Law*, 4. Harris, Joseph P., *Election Administration in the United States*, 154-55.

[22] Const., art. 2, sec. 14 (as amended in 1881).

[23] Acts 1881 (Spec. Sess.) ; Burns 29-701 ; Baldwin 7081.

[24] Acts 1881 (Spec Sess.) ; Burns 29-702 ; Baldwin 7082.

[25] Const., art. 2, sec. 13.

[26] Spickerman v. Goddard, 182 Ind. 523 ; 107 N. E. 2.

[27] Acts 1901, 1903 ; Burns 29-2404 ; Baldwin 7352. Acts 1920 (Spec. Sess.) ; Burns 29-903 ; Baldwin 7148.

[28] Acts 1889 ; Burns 29-801 ; Baldwin 7089. Acts 1920 (Spec. Sess.) ; Burns 29-901 ; Baldwin 7091.

[29] Acts 1897 ; Burns 29-1121 ; Baldwin 7135 ; Acts 1920 (Spec. Sess.) ; Burns 29-909 ; Baldwin 7154.

[30] Acts 1889 ; Burns 29-808 ; Baldwin 7097.

[31] Acts 1889 ; Burns 29-1116, 29-1117, 29-1119, 29-1120 ; Baldwin 7130, 7131, 7133, 7134. Acts 1901 ; Burns 29-2410, 29-2426, 29-2428 ; Baldwin 7355, 7374, 7376. Acts 1903 ; Burns 29-2407 ; Baldwin 7358.

[32] Acts 1889 ; Burns 29-1002 ; Baldwin 7109.

[33] Acts 1889 ; Burns 29-1001 ; Baldwin 7108. Acts 1897, 1919, 1933 ; Burns 29-1106 ; Baldwin 7120. Acts 1920 ; Burns 29-1107 ; Baldwin 7121.

[34] Acts 1889, 1933 ; Burns 29-1003 ; Baldwin 7110.

[35] Acts 1901 ; Burns 29-2410 ; Baldwin 7358.

The election is conducted by the precinct election boards, consisting of one inspector and two judges, who are appointed by the county board of election commissioners. The township trustee is ex officio inspector in his own precinct and the other inspectors are nominated by the party casting the highest number of votes in the county for secretary of state in the preceding election. The two judges must be of opposite political faith and are nominated by the county chairmen of the two major political parties. Other precinct officials—two election sheriffs, two poll clerks, and if found necessary, two assistant poll clerks—are nominated and appointed in the same manner.[36]

Since 1933, city[37] and township[38] elections are held at the time of the general election, and are under the supervision of the county board of election commissioners,[39] as are all special elections.[40]

The board has full power to send for persons and papers and compel witnesses to answer proper questions under oath. The sheriff serves all processes in county elections and obeys all orders of the board.[41]

Records of all general elections are filed in the office of the clerk of the circuit court (a member of the board of election commissioners) for preservation as provided by statute.[42]

The records are located in the courthouse.

568. Expense Accounts, 1938. 1 file drawer.
Affidavits of true accounts of money spent by candidates for campaign, showing date of affidavit, name of candidate, office desired, and itemized statement of expenses of campaign. Arr. by dates of filing. Hdw. 24 x 15 x 12. Clk. off., rm. 34.

569. Appointment of Election Sheriff, 1890-1920. 5 vols.
Record of appointments of election sheriffs, showing date of appointment, name of appointee, precinct and ward appointed for, and signature of sheriff. Arr. alph. by names of appointees. Hdw. 200 pp. 16 x 12 x 1½. Rec. rm. 1, sec. 11.

XXVI. BOARD OF EDUCATION

The board of education, established by an act of 1873, as amended in 1877, consists of the county superintendent of schools, the township trustees, and the chairman of the school trustees of each city and town of the county. As a matter of practice, the superintendent of schools

[36] Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096. Acts 1929, 1933; Burns 29-804; Baldwin 7093.

[37] Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1806; Baldwin 11638.

[38] Acts 1933, 1935; Burns, 1937 suppl., 29-1901; Baldwin, 1935 suppl., 7250.

[39] Acts 1933; Burns 29-1803; Baldwin 11635.

[40] Acts 1881; Burns 29-1704; Baldwin 7249. Acts 1889; Burns 29-1611; Baldwin 7169.

[41] Acts 1905; Burns 29-1408; Baldwin 7384.

[42] Acts 1889; Burns 29-1009; Baldwin 7113. Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445. Acts 1911; Burns 29-2510; Baldwin 7447.

and the township trustees compose the board of education of Marion County, the chairmen taking no active part in its affairs. The majority of the members constitutes a quorum, and the superintendent of schools presides at its meetings and has a vote on all questions.[1]

From 1873 to 1877, the same members constituted the board except that all the school trustees of each town and township of the county were also included.[2]

The board of education meets semi-annually on the first days of May and September to consider the general needs of the schools and to provide for the maintenance of school property and purchase of furniture, books, maps, charts, and other supplies.[3] It may purchase textbooks from publishers and sell them to pupils at cost[4] or rent them to pupils at not to exceed twenty-five per cent of the retail price.[5]

Actually, the board functions in an advisory capacity only for schools outside of incorporated cities and towns of Marion County. Each township trustee buys supplies for the schools in his township, and the county superintendent selects textbooks in instances where no adoption has been made by the state board of education.[6]

The records are located in the courthouse.

[1] Acts 1873, 1877; Burns 28-801; Baldwin 5983.

[2] Acts 1873, ch. 25, sec. 8.

[3] Acts 1873, 1877; Burns 28-801; Baldwin 5983.

[4] Acts 1921; Burns 28-614; Baldwin 6692.

[5] Acts 1935; Burns, 1937 suppl., 28-638; Baldwin, 1935 suppl., 6692-1.

[6] Interview with Grover Van Duyn, Assistant State Superintendent of Public Instruction.

570. [Proceedings of the Marion County Board of Education], 1919—. 3 vols.

Minutes of meetings of board of education, showing date of meeting, names of members present, business discussed, and action taken. Arr. by dates of meetings. Hdw. Condition fair. 100 pp. 14 x 7 x 1½. Supt. off., rm. 97.

XXVII. SUPERINTENDENT OF SCHOOLS

The superintendent of schools of Marion County is elected by the township trustees for a four-year term, under the authority of an act of 1899 and later amendments, which increased his powers as originally defined in an act of 1873.[1] No person is eligible to the office of superintendent of schools who has not had five years' successful experience as a teacher and who does not hold a first or second grade superintendent's license.[2] The superintendent must execute a bond of five thousand dollars, approved by the auditor.[3]

[1] Acts 1873, ch. 25, secs. 3, 4, 6-8. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931.

[2] Acts 1935; Burns, 1937 suppl., 28-701; Baldwin, 1935 suppl., 5933-1.

[3] Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931.

Prior to 1899, the board of commissioners, by an act of 1853, appointed one to three school examiners for the county;[4] by an act of 1861, one school examiner.[5] The title of school examiner was changed to superintendent of schools and the power of appointment was transferred to the township trustees, by an act of 1873.[6]

The superintendent exercises general supervision of the schools outside of incorporated cities and towns of Marion County.[7] His duties are to visit the schools in session for the purpose of increasing their usefulness and raising their standards as uniformly as practicable;[8] to conduct county teachers' institutes[9] and conduct and preside over township institutes;[10] to report as to teachers' preparation, experience, and license before they are employed;[11] to compile the enumeration of pupils of the county[12] and from such returns make out the apportionment of the school revenues;[13] and to carry out the orders of the state board of education and the state superintendent of public instruction.[14] He is ex officio member of the county board of education and presides at its meetings.[15]

The superintendent keeps a complete record of licenses held by all regular school teachers, date of employment, and their success grades.[16]

The records are located in the courthouse.

Reports

571. Reports, 1928—. 3 file drawers.

Various reports to superintendent, including enrollment reports, attendance reports, annual school reports, grade reports, and reports of problem children, showing date and nature of report, names of children, and number of children enrolled. Arr. by dates of reports. Hdw. and typed. 12 x 13 x 25. Supt. off., rm. 97.

572. [Trustees' Statistical and Financial Reports], 1911—. 3 file boxes.

Reports of purchase of school supplies by township trustees, showing date of report, amount and purpose of expenditure, and names of school and trustee. Hdw. Arr. by dates of reports. 13 x 5 x 20. Supt. off., rm. 97.

573. [Reports of Sales of School Text Books], 1896-1906. 7 file boxes.

Trustees' quarterly reports to superintendent of schools on text books

[4] Acts 1853, ch. 106, sec. 6.
[5] Acts 1861, ch. 41, sec. 32.
[6] Acts 1873, ch. 25, sec. 2.
[7] Acts 1873; Burns 28-1401; Baldwin 5973. Acts 1899; Burns 28-705; Baldwin 5940.
[8] Acts 1899; Burns 28-704; Baldwin 5938.
[9] Acts 1907, 1929, 1933; Burns 28-4402; Baldwin 6725.
[10] Acts 1899; Burns 28-706; Baldwin 5942.
[11] Acts 1927, 1933; Burns 28-4309; Baldwin 6005.
[12] Acts 1865, 1873, 1895; Burns 28-702; Baldwin 5948.
[13] Acts 1865; Burns 28-715; Baldwin 5949.
[14] Acts 1899; Burns 28-704; Baldwin 5938.
[15] Acts 1873, 1877; Burns 28-801; Baldwin 5983.
[16] Acts 1923; Burns 28-4217; Baldwin 5928.

sold, showing number of books sold, amount collected, date of report, and names of trustee and township. Arr. alph. by twps. Hdw. Condition fair. 5 x 4 x 10. Rec. rm. 4, sec. 3.

Enumerations

574. Enumeration Field Books, 1861-70, 1893-94, 1897-1906, 1920-26. 151 vols., 2 file boxes. Title varies: Attendance Officer's Record of Children of Compulsory Age, School Enumeration.

Record of enumeration of school children, showing date of enumeration; name, age, color, sex, and address of child; and names of parents and township. Arr. by townships, thereunder alph. by names of children. Hdw. Condition fair. Vols., 60 pp. 9 x 5 x ½; file boxes, 5 x 4 x 10. Rec. rm. 4, sec. 3.

Teachers

575. Teachers' Applications for Positions, 1929—. 1 file box, 1 file drawer.

Applications for position of teacher, showing name, age, qualifications, and experience of applicant; record of license; and date of application. Arr. alph. by names of applicants. Typed. File box, 6 x 5 x 18; file drawer, 10 x 13 x 24. Supt. off., rm. 97.

576. Record of Teachers' Qualifications, 1924—. 3 vols.

Record of qualifications of teachers employed in township schools, showing name, address, training, and experience of teacher; and kind of license. Indexed alph by names of teachers. Hdw. 1000 pp. 10 x 6 x 4. Supt. off., rm. 97.

577. Success Grades of Teachers, 1925—. 1 bdl., 1 file drawer.

Record of success grades of teachers, showing date of school term, name of teacher, general average, and subjects taught. Arr. by dates of school terms. Hdw. Bdl., 10 x 5 x 13; file drawer, 12 x 4 x 27. Supt. off., rm. 97.

578. Teachers' Examinations, 1907-8, 1910-23. 7 vols. (1 vol. not numbered, 1-6).

Record of examinations of teachers applying for licenses to teach in grade and high schools, showing dates of examinations and previous license granted; name, age, and experience of teacher; and grade made. Arr. alph. by names of teachers. Hdw. 400 pp. 18 x 12 x 1½. 1 vol., 1907-8, rec. rm. 4, sec. 6; 6 vols., 1910-23, supt. off., rm. 97.

579. Record of Teachers, 1910-20. 1 vol.

Record of teaching personnel, showing names of teacher and school, grade taught, and number of years of service. Arr. alph. by names of teachers. Hdw. 300 pp. 16 x 10 x 2. Supt. off., rm. 97.

Pupils

580. High School, Permanent Record Cards, 1921—. 1 file drawer.

File card record of high school pupils, showing name, age, and grade of pupil; subjects carried; school attended; and date of graduation.

Arr. alph. by names of pupils. Hdw. 11 x 13 x 24. Supt. off., rm. 97.

581. Records of Common and High School Graduates, 1912-28. 3 vols.

Record of pupils who graduated from common and high schools, showing name of pupil, location of school, date of graduation, and names of teacher and superintendent. Arr. by dates of graduation. Hdw. Condition fair. 350 pp. 20 x 11 x 1½. Supt. off., rm. 97.

582. Students' Permits to Work, 1929—. 2 file drawers.

Card record of work permits issued to school children to allow them to work, showing name, address, and age of student; names and address of parents; and date and purpose of permit. Arr. alph. by names of students. Hdw. 5 x 10 x 36. Supt. off., rm. 97.

XXVIII. HEALTH OFFICER

The health officer of Marion County is appointed by the board of commissioners for a four-year term under the authority of an act of 1935, effective January 1, 1938. He must be a regularly licensed physician, suitably trained in sanitary science and hygiene, with qualifications satisfactory to the state board of health. Should the state board of health fail to approve the nomination of the person recommended, the board of commissioners must make another nomination at once.[1] The health officer must give bond in the amount that the board of commissioners determines.[2]

From 1881 to 1909, the board of commissioners constituted ex officio the county board of health and elected annually a secretary, who was a physician and served as health officer.[3] An act of 1891 enlarged the duties of the board and its secretary was its executive officer.[4] In 1909, the board of health was abolished and the office of health commissioner was established, which continued until superseded by the health officer in 1938. The board of commissioners elected as health commissioner a licensed physician.[5]

The health officer devotes his entire time to protecting and supervising the general health and sanitation of the county outside of incorporated cities.[6] He enforces the health laws of the state and the rules and regulations of the state board of health,[7] oversees inspection of food and drugs,[8] condemns buildings unfit for human habitation,[9] and issues burial permits.[10] He makes inspections of all public buildings and institutions and of private property; investigates the presence, source, and

[1] Acts 1935; Burns, 1937 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.
[2] Acts 1891, 1909; Burns 35-108; Baldwin 8402.
[3] Rev. Stat. 1881, sec. 4993.
[4] Acts 1891, ch. 15, sec. 8.
[5] *Ibid.*, secs. 8, 10. Acts 1909, ch. 144, secs. 4, 6.
[6] Acts 1935; Burns 1937 suppl., 35-122, 35-124; Baldwin, 1935 suppl., 8404-5, 8404-7.
[7] Acts 1891, 1909; Burns 35-111; Baldwin 8405.
[8] Acts 1907; Burns 35-1207; Baldwin 8476.
[9] Acts 1917; Burns 35-1801; Baldwin 8563.
[10] Acts 1907, 1913; Burns 35-115; Baldwin 8398.

cause of disease, and establishes quarantine; if necessary, closes schools and churches and forbids public gatherings in order to prevent epidemics; and protects the public health in all reasonable and necessary ways. He makes monthly reports of his work to the state board of health.[11]

The health officer collects, records, and reports the vital statistics of the county, and keeps full and permanent records of the public health work and of his reports.[12]

The records are located in the courthouse.

Activities and Reports

583. Investigator's Health Record, 1923—. 5 file drawers.
Examiners' reports of health of children in schools, infant welfare clinic, and Sunnyside Sanitarium, showing dates of examination and report, names of child and examiner, health condition of child, and kind of immunization requested. Arr. by dates of reports. Hdw. 6 x 7 x 25. Hlth. offr. off., rm. 4.

584. [Health Officer's Investigations], 1910-13, 1922-25. 2 vols.
Record of all investigations made by health officer, showing date and nature of investigation, names of informer and person investigated, and action taken. Arr. by dates of investigations. Hdw. Condition fair. 500 pp. 14 x 9 x 2. Hlth. offr. off., rm. 4.

585. Dentists' Reports to Board of Health, 1934—. 3 file boxes.
Duplicate reports of notices sent to parents or guardians of school children regarding the condition of their teeth, showing name, age, and school grade of child; chart of defective teeth; kind of dental work needed; and name of dentist. Arr. alph. by schools, thereunder alph. by names of pupils. Hdw. 1 file box, 5 x 4 x 10; 2 file boxes, 10 x 5 x 14. 1 file box, 1934, rec. rm. 1, sec. 11; 2 file boxes, 1935—, hlth. offr. off., rm. 4.

Vital Statistics

586. Birth Record, 1882—. 16 vols.
Record of children born in Marion County, showing entry number; date of birth; name, sex, and color of child; name of attending physician; names, ages, occupations, and places of birth of parents; and date of physician's report. 1896-1901, separate index, see entry 587; 1907—, indexed alph. by names of children. Hdw. Condition fair. 400 pp. 18 x 13 x 3. Hlth. offr. off., rm. 4.

587. Index to Records of Births, 1896-1901. 2 vols.
Partial index to Birth Record, entry 586, showing date of birth, names of child and parents, and volume and page reference to recording. Arr. alph. by names of parents. Hdw. Condition fair. 200 pp. 18 x 12 x 2. Hlth. offr. off., rm. 4.

588. Birth Returns, 1882-1907. 65 file boxes. Forwarded to state board of health after 1907.
Statements of birth submitted by physicians to health officer for re-

[11] Acts 1891, 1909; Burns 35-111; Baldwin 8405.
[12] *Ibid.*

cording, showing date of birth; name, sex, and color of child; name of attending physician; names, ages, places of birth, and occupations of parents; and date of return., Arr. alph. by names of children. Hdw. Condition fair. 5 x 4 x 10. Rec. rm. 2, sec. 28.

589. RECORD OF MARRIAGES, 1882—. 27 vols., 31 bdls.

Transcripts and reports of clerk to health officer of marriages performed in county, showing date of report; names, ages, color, occupations, birthplaces, and addresses of bride and groom; date and place of marriage; name and address of person performing marriage; and names of witnesses. Arr. by dates of reports. Vols., 300 pp. 18 x 12 x 2; bdls., 3 x 7 x 9. 27 vols., 30 bdls., 1882-1937, rec. rm. 2, secs. 2, 21; 1 bdl., 1938—, hlth. offr. off., rm. 4.

For other marriage records, see entries 37-41.

590. RECORD OF CONTAGIOUS AND INFECTIOUS DISEASES, 1905—. 4 vols.

Record of cases of contagious and infectious diseases reported in county, showing case number; name, address, age, sex, and color of patient; nature of disease; name and address of reporter; and date quarantine established. Indexed alph. by names of patients. Hdw. 133 pp. 16 x 14 x 1½. 1 vol., 1905-16, rec. rm. 1, sec. 22; 3 vols., 1917—, hlth. offr. off., rm. 4.

591. BOARD OF HEALTH DISEASE RETURNS, 1886-88, 1891-92. 3 file boxes.

Reports of health officer of investigations of reported cases of infectious and dangerous diseases, showing dates of report and return; name, address, age, sex, color, and birthplace of patient; number of members of family and number afflicted; and nature of disease. Arr. by dates of returns. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 11.

592. RECORD OF RETURN OF DEATHS, 1882—. 20 vols.

Record of deaths as reported by physicians and coroners, showing entry number; dates of death and report; name, sex, color, age, occupation, and nationality of decedent; duration of illness; cause of death; and names of parents, post-mortem and medical attendants, undertaker, and place of burial. Indexed alph. by names of decedents; for separate index, 1896-1901, see entry 593. Hdw. 300 pp. 18 x 12 x 2½. Hlth. offr. off., rm. 4.

593. INDEX TO DEATH RECORDS, 1896-1901. 2 vols. Title varies: Index to Transcripts of Deaths.

Partial index to Record of Return of Deaths, entry 592, showing name of decedent, and volume and page reference to recording. Arr. alph. by names of decedents. Hdw. 350 pp. 18 x 12 x 2½. Hlth. offr. off., rm. 4.

594. DEATH RETURNS, 1882-92. 4 file boxes. After 1892 forwarded to state board of health.

Reports of physicians and coroners to health officer of deaths in county, showing dates of death and report; name, age, sex, color, residence, occupation, birthplace, and cause and place of death of decedent; duration of disease; and names and birthplaces of parents. Arr. alph. by names of decedents. Hdw. 5 x 4 x 10. Rec. rm. 1, sec. 1.

595. Soldiers', Sailors', and Marines' Burial Record, 1892-1905. 1 vol.

Record of soldiers, sailors, and marines buried at county expense, showing dates of enlistment and discharge; name, age, rank, and occupation of veteran; date of death; place of burial; total expense; and name of township trustee. Arr. alph. by names of veterans. Hdw. Condition fair. 400 pp. 18 x 13 x 2. Hlth. offr. off., rm. 4.

For other military records, see entries 27, 28, 125-27, 534.

XXIX. DEPARTMENT OF PUBLIC WELFARE

The department of public welfare of Marion County, created by the general assembly in 1936, is administered by a board of public welfare and a director of public welfare.[1] The department may sue or be sued in its own name.[2]

Previous to the creation of the department of public welfare, an old-age pension system was administered by the board of commissioners, under an act of 1933,[3] and child welfare, by the board of children's guardians, under an act of 1901.[4] These duties, together with the right of advisory inspection of public institutions formerly belonging to the board of charities and corrections, under an act of 1899,[5] were consolidated in the new department.[6]

The board of public welfare of Marion County consists of five persons having a recognized interest in and knowledge of the problems of public welfare, who must be residents of the county for two years prior to appointment. The members are appointed by the judge of the circuit court; at least two must be women and not more than three may be adherents of any one political party. The terms of the first appointees are: One for one year, two for two years, and two for four years; and thereafter the terms are four years. The board holds a regular meeting once a month, the August meeting to be known as the annual meeting, and it may hold other meetings pursuant to call.[7] It receives and administers gifts and bequests of personal property and income from real estate for the benefit of children under its supervision or of any home or institution caring for neglected or dependent children under its supervision; invests any funds so received by it, such investments

[1] Acts 1936 (Spec. Sess.) ; Burns, 1937 suppl., 52-1117 ; Baldwin, 1937 suppl, 14078-18. Acts 1936 (Spec. Sess.) ; 1937 ; Burns, 1937 suppl., 52-1119, 52-1126 ; Baldwin, 1937 suppl., 14078-20, 14078-27.

[2] Acts 1936 (Spec. Sess.) ; Burns, 1937 suppl., 52-1122 ; Baldwin, 1937 suppl., 14078-23.

[3] Acts 1933, ch. 36, sec. 2.

[4] Acts 1901, ch. 173, secs. 1, 2, 5.

[5] Acts 1899, ch. 34, secs. 1, 3.

[6] Acts 1936 (Spec. Sess.), 1937 ; Burns, 1937 suppl., 52-1121 ; Baldwin, 1937 suppl., 14078-22. Acts 1936 (Spec. Sess.) ; Burns, 1937 suppl., 52-1410 ; Baldwin, 1937 suppl., 14078-122.

[7] Acts 1936 (Spec. Sess.), 1937 ; Burns, 1937 suppl., 52-1118 ; Baldwin, 1937 suppl., 14078-19.

being kept in a special fund and not commingled with funds received from taxation;[8] and adopts an annual budget for the department for consideration by the county council.[9]

The director of public welfare of Marion County is appointed by the state board of public welfare.[10] He is the executive and administrative officer of the department and serves as secretary of the board. He must give bond not to exceed five thousand dollars, approved by the judge of the circuit court and filed in the office of the clerk.[11] He appoints, with the approval of the board, all assistants in the department from eligible lists established by the state department and fixes their salaries.[12] As executive officer of the department, he exercises all the rights, powers, and duties conferred by law on the department under the rules, regulations, and orders of the state and county boards,[13] and compiles the annual budget for submission to the board.[14] The director of public welfare performs the functions of probation officer or agent of the court in welfare matters under the supervision of any court having jurisdiction.[15]

The department of public welfare is charged with the administration of assistance to dependent children in their own homes; old-age assistance; services and assistance to persons otherwise handicapped; the care and treatment of dependent, neglected, and handicapped children; children in danger of becoming delinquent; and such other welfare activities as are delegated to it by the state department including services connected with assistance to the blind. The department makes reports to the state department as directed by the latter.[16] The department also administers provisions and benefits of the Federal "Social Security Act" of August 14, 1935.[17]

All expenditures for assistance and administration of the department are paid from the county welfare fund raised by a separate tax levy,[18] to which are added such repayments as may be made under legal liability by recipients, their parents, children, or other persons liable for their support.[19] The county receives reimbursement of certain proportions of its expenditures from the state, and a part of any Federal

[8] Acts 1936 (Spec. Sess.); Burns, 1937 suppl., 52-1122; Baldwin, 1937 suppl., 14078-23.

[9] Acts 1936 (Spec. Sess.); Burns, 1937 suppl., 52-1302; Baldwin, 1937 suppl., 14078-99.

[10] The director was appointed by the county board under the 1936 act, but an amendment of 1937 transferred the appointing power to the state board.

[11] Acts 1936 (Spec. Sess.), 1937; Burns, 1937 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20.

[12] Acts 1936 (Spec. Sess.), 1937; Burns, 1937 suppl., 52-1123; Baldwin, 1937 suppl., 14078-24.

[13] Acts 1936 (Spec. Sess.), 1937; Burns, 1937 suppl., 52-1126; Baldwin, 1937 suppl., 14078-27.

[14] Acts 1936 (Spec. Sess.); Burns, 1937 suppl., 52-1302; Baldwin, 1937 suppl., 14078-99.

[15] Acts 1936 (Spec. Sess.); Burns, 1937 suppl., 52-1120; Baldwin, 1937 suppl., 14078-21.

[16] *Ibid.*

[17] Acts 1936 (Spec. Sess.); Burns, 1937 suppl., 52-1113; Baldwin, 1937 suppl., 14078-14.

[18] Acts 1936 (Spec. Sess.); Burns, 1937 suppl., 52-1301; Baldwin, 1937 suppl., 14078-98.

[19] Acts 1936 (Spec. Sess.); Burns, 1937 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

funds granted to the state,[20] to be paid into the county welfare fund. All claims for administrative expenses are subject to allowance by the board of commissioners. Claims for assistance are not so subject but are determined by the department and approved by the director.[21]

The auditor keeps the records relating to the county welfare fund and other financial transactions.[22] The department keeps such records and accounts relating to assistance as the state department prescribes.[23] All records, except applications for assistance and for awards and modification and revocation of awards, are confidential.[24]

All records are located in the County Public Welfare Office at 257 West Washington Street, Indianapolis, Indiana.

Proceedings of the Board

596. Board of Directors' Minute Book, 1936—. 1 vol.
Minutes of meetings of board of public welfare, showing date of meeting, names of members present, subjects discussed, and action taken. Arr. by dates of meetings. Typed. 200 pp. 11 x 8 x 2. Wlfr. off.

597. Recommendation Register, 1936—. 3 vols.
Record of recommendations of the director to the board of public welfare for awards, rejections, and withdrawals of assistance to the aged, the blind, and dependent children, showing date and number of case, name of applicant, report of investigator, and action of board. Arr. by case nos. Typed. 200 pp. 14 x 11 x 2. Wlfr. off.

Old-Age Assistance

(See also entries 123, 124, 514)

598. Old Age Register, 1936—. 1 vol.
Register of applications for old-age assistance, showing date, code, and serial number of application; names of applicant and visitor assigned; and action taken by board. Arr. by application nos. Hdw. 200 pp. 9 x 14 x 2. Wlfr. off.

599. Old Age Monthly Allowance Schedule, 1936—. 4 vols.
Record of monthly allowance schedules of old-age assistance, showing name of recipient, and date and amount of allowance. Arr. alph. by names of recipients. Typed. 400 pp. 16 x 10 x 2. Wlfr. off.

600. Old Age Ledgers, 1936—. 22 vols.
Record of monthly payments for old-age assistance, showing date of payment, name and residence of recipient, and amount allowed. Arr. by dates of payments. Hdw. 200 pp. 14 x 8 x 2. Wlfr. off.

[20] Acts 1936 (Spec. Sess.) ; Burns, 1937 suppl., 52-1219, 52-1249, 52-1254 ; Baldwin, 1937 suppl., 14078-50, 14078-80, 14078-85. Acts 1936 (Spec. Sess.), 1937 ; Burns, 1937 suppl., 52-1124a ; Baldwin, 1937 suppl., 14078-24a.

[21] Acts 1936 (Spec. Sess.) ; Burns, 1937 suppl., 52-1124 ; Baldwin, 1937 suppl., 14078-25.

[22] Acts 1936 (Spec. Sess.) ; Burns, 1937 suppl., 52-1401 ; Baldwin, 1937 suppl., 14078-113.

[23] Acts 1936 (Spec. Sess.) ; Burns, 1937 suppl., 52-1260 ; Baldwin, 1937 suppl., 14078-91.

[24] Acts 1936 (Spec. Sess.) ; Burns, 1937 suppl., 52-1262 ; Baldwin, 1937 suppl., 14078-93.

Dependent Children Assistance

601. Dependent Children Register, 1936—. 1 vol.
Register of applications for aid to dependent children, showing date, code, and serial number of application; number of children; names of parents, guardian, and visitor assigned; and action taken by board. Arr. by application nos. Hdw. 200 pp. 9 x 14 x 2. Wlfr. off.

602. Dependent Children Ledger, 1936—. 4 vols.
Record of monthly payments for care of dependent children, showing date of birth, names of child and parents, date and amount of payment, and warrant and case numbers. Arr. by case nos. Hdw. 200 pp. 14 x 8 x 2. Wlfr. off.

Blind Assistance

603. Blind Register, 1936—. 1 vol.
Register of applications for aid to the blind, showing date, code, and serial number of application; name and sex of applicant; name of visitor assigned; recommendation of county director; and action taken by state department. Arr. by application nos. Hdw. 200 pp. 9 x 14 x 2. Wlfr. off.

Claims

604. General Ledger, 1936—. 1 vol.
Record of claims for administrative expenses allowed and paid, showing name of recipient, dates of approval and payment, and amount and purpose of payment. Arr. by dates of payments. Hdw. 200 pp. 11 x 7 x 2. Wlfr. off.

605. Register of Claims Filed and Paid, 1936—. 1 vol.
Record of all claims for administrative expenses filed and paid, showing date, amount, and number of claim; name of payee; and warrant number. Arr. by claim nos. Typed. 200 pp. 14 x 11 x 2. Wlfr. off.

606. Burial Claim Register, 1936—. 1 vol.
Record of burial claims for aged and blind assistance recipients, showing date of death, name of decedent, and amount of claim. Arr. alph. by names of decedents. Hdw. 200 pp. 17 x 11 x 2. Wlfr. off.

XXX. SURVEYOR

The surveyor is a constitutional officer, elected for a two-year term, without restriction on re-election. The office of surveyor is established in Marion County under the Constitution of 1851 and the Revised Statutes of 1852.[1] He must give bond in an amount fixed by the board of commissioners of not less than five thousand dollars.[2]

Prior to the Constitution of 1851, the surveyor was a statutory officer. The Governor appointed Alexander Ralston as surveyor on

[1] Const., art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3301; Baldwin 5504.
[2] Acts 1913; Burns 49-3302; Baldwin 5505.

May 1, 1822,[3] under an act of 1818.[4] After 1831 the surveyor was appointed by the board of commissioners.[5]

The surveyor has charge, under the direction of the board of commissioners, of all surveying and civil engineering work of the county, including the preparation of plans and specifications for, and supervision of, the construction of all bridges, turnpikes, roads, and levees.[6] He supervises the construction and maintenance of all ditches.[7]

For private parties, the surveyor takes acknowledgments of mortgages and deeds for the conveyance of real estate,[8] and, upon request, makes surveys, and establishes lines and corners of lands.[9]

The surveyor is required to preserve a copy of the original field notes of the surveys of the townships in his county[10] and a record of all surveys made by him.[11]

The records are located in the courthouse.

Surveys

607. Surveyor's Record, 1848—. 10 vols.
Record of all surveys made by the surveyor, showing date of survey, location and description of land, and blueprint illustrations of each survey. Arr. by dates of surveys. Hdw. 200 pp. 18 x 20 x 2. Surv. off., rm. 2.

Drainage Records

608. Drainage Record Court Proceedings, 1883—. 5 vols. (1, 2, 4, and 2 vols. not numbered).
Transcripts of petitions for cleaning, repairing, and constructing drains, and proceedings and orders of court thereon, showing dates of petition, commissioners' report, and court action; names of petitioners, commissioners, and affected land owners; location of ditch; cause number; and final disposition. Arr. alph. by names of petitioners. 1883-1923, hdw.; 1924—, typed. 370 pp. 14 x 16 x 2. Surv. off., rm. 2.

For prior records, see entry 23.

609. Drainage Record Book, 1889-1901. 4 vols. (2, and 3 vols. not numbered).
Record of repairs made on ditches and drains, showing date of repair, name and location of drain, number of men employed, material used, and total cost of repairs. Arr. alph. by names of drains. Hdw. Condition fair. 125 pp. 15 x 19 x 1. Survey off., rm. 2.

For other drainage records, see entries 1, 23.

[3] Record Book A [Executive Proceedings under the Government of the State of Indiana], November 7, 1816-November 2, 1823.

[4] Acts 1817-18 (general), ch. 30, sec. 1.

[5] Rev. Laws 1831, ch. 102, sec. 1. Commissioners' Record, 2:169.

[6] 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

[7] Acts 1933; Burns 27-101; Baldwin 5737.

[8] 1 Rev. Stat. 1852, Acts 1857; Burns 49-3317; Baldwin 5519.

[9] 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311; Baldwin 5509.

[10] 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

[11] 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311; Baldwin 5509.

610. Township Ditches, 1877-1926. 5 file boxes.
Original documents pertaining to township ditches, including notices of time allowed for remonstrances against proposed ditch constructions, petitions for drainage, and reports of work done, showing date and kind of instrument; names of parties to instrument; name, description, and location of ditch; itemized list of costs of materials and work done; and bills for cleaning ditches. Hdw. Arr. by dates of filing. Condition fair. 5 x 4 x 10. Rec. rm. 4, sec. 3.

Plans and Specifications

BUILDINGS AND PROJECTS

611. Julietta, Sunnyside, Colored Orphans' Home, 1911-25. 589 plans.
Plans and specifications for repairs at Julietta Hospital for the Incurable Insane, Sunnyside Tuberculosis Hospital, and the Colored Orphans' Home, showing date of plan, location of project, and repairs to be made. Drawn by Bass Knowlton, John Griffith, and Elmer Dunlap, of Indianapolis. Blueprint. Scale: 1″ to 50′. 24 x 36. Surv. off., rm. 2.

612. Courthouse, not dated. 1 drawing.
Plan showing outline of outside walls of Marion County Courthouse. Black and white. No scale given. 30 x 34. Surv. off., rm. 2.

ROADS AND BRIDGES

613. Plans for Federal Emergency Relief Administration Projects, 1933. 2 bdls.
Plans for highway construction on FERA projects, showing date of plan, and location and specifications of project. Blueprint. No scale given. 24 x 36. Surv. off., rm. 2.

614. Road and Bridge Plans, 1915-22. 964 drawings.
Plans for the building and repair of roads, bridges, and culverts in county, showing date of plan, and name and location of project. Drawn by John Griffith, Bruce Short, and C. E. Cheney, of Indianapolis. Blueprint. No scale given. 24 x 36. Surv. off., rm. 2.

615. [Plans], 1909-27. 24 drawings.
Plans of roads and buildings, showing specifications of Georgetown Road, Williams Creek, Central Avenue, Westfield, Frye's Addition, Raymond and Morris Street sections 7 and 9, county jail, and courthouse property. Drawn by Henry R. Campbell and Paul Julian. Blueprint. Scale varies. 27 x 36. Surv. off., rm. 2.

616. [Roads and Bridges], Jan.-Dec. 1929. 3 file drawers.
Specifications used in construction of roads, culverts, streets, and bridges, showing date, number, and name of project; and details of specifications. Arr. by project nos. Hdw. 11 x 16 x 26. Surv. off., rm. 2.

617. Marion County, 1926-31. 1303 plans.
Plans for proposed improvements on Marion County roads, showing location, proposed improvements, and date drawn. Drawn by Paul R.

Brown, Bruce Short, Henry Campbell, and W. W. Southard. Blueprint, and black and white. No scale given. 24 x 36. Surv. off., rm. 2.

618. Millersville Road Bridge, 1930. 13 drawings.
Plans for the construction of a bridge on the Millersville Road, showing date of plans and specifications of bridge. Drawn by Paul Brown. Blueprint. Scale: 1″ to 100′. 22 x 34. Surv. off., rm. 2.

619. Millersville Road, not dated. 22 drawings.
Plans of proposed improvements on Millersville Road, showing location of part of road to be improved, and property benefited by improvement. Black and white. No scale given. 24 x 36. Surv. off., rm. 2.

620. Cassell Road and Bridge, 1924. 5 drawings.
Plans for paving Cassell Road and the construction of a steel bridge thereon, showing date of plan, and location and specifications of project. Blueprint. No scale given. 24 x 36. Surv. off., rm. 2.

621. Indian Creek Bridge Improvements, 1933. 23 maps.
Plans for Indian Creek bridge and street improvements of sections between 33d and 73d streets, showing date of plan, and location and specifications of project. Blueprint. No scale given. 30 x 42. Surv. off., rm. 2.

622. Washington Township Bridge over Williams Creek, 1932. 7 drawings.
Plans for construction of Washington Township Bridge over Williams Creek, showing date of plan, and location and specifications of project. Drawn by H. A. McDonald, of Indianapolis. Blueprint. No scale given. 24 x 36. Surv. off., rm. 2.

623. Morgan Ave., 1932. 6 drawings.
Plans for improvements on Morgan Avenue based on petition by J. E. Allison, et al., showing description and location of lands to be benefited; and roads, sidewalks, and drainage ditches to be built. Blueprint. No scale given. 24 x 18. Surv. off., rm. 2.

624. Osburn Road, 1931. 7 tracings.
Plans for improvement of Osburn Road, showing date, location, and specification of project. Black and white. No scale given. 24 x 18. Surv. off., rm. 2.

SEWERS

625. Acton Sewer, 1931. 1 bdl.
Plans of Acton Sewer, showing date of plan, and location and specifications of sewer. Black and white. No scale given. 24 x 36. Surv. off., rm. 2.

Maps and Plats

626. Marion County and Indianapolis, 1927-35. 5 maps.
Political and communications maps, showing incorporated cities and towns; section, range, township, and precinct boundaries; bridges; culverts; public buildings; parks; highways; and railroad and traction lines. Drawn by Herbert Bloemker, Bruce Short, and J. R. Fenstermaker. Published at Indianapolis by National Map Co. Printed and mounted. Scale: 3.6″ to 1 mi. 48 x 54. Surv. off., rm. 2.

627. Marion County Highways and Roads, 1931, 1934. 2 maps.
Communications maps, showing location of tar-treated roads, new bridges built, and old bridges repaired. Drawn by Bruce Short, of Indianapolis. Printed. Colored. Scale: 1″ to 1 mi. 24 x 24 and 14 x 18. Surv. off., rm. 2.

628. Marion County, 1911-21, 1931, 1933. 2 maps, 20 tracings.
Communications maps, showing highways; free gravel roads; railroad and traction lines; emergency projects; range, township, and section lines; and farm boundaries. Drawn by Thomas W. Palmer, John Griffith, and Bruce Short. Printed. Black and white. Scale: 4″ to 1 mi. 32 x 43. Surv. off., rm. 2.

629. Marion County Roads, 1932. 4 maps.
Communications maps of road improvements in Marion County, showing name of road, date of map, and section of road to be improved. Colored. Scale: 1″ to 1 mi. 24 x 36. Surv. off., rm. 2.

630. Marion County, 1929. 1 map.
Land tenure map of Marion County, with townships numbered to correspond with drawers containing negatives and tracings of lots and subdivisions of the various townships, showing description and location of lots and subdivisions, outlot and inlot numbers, and name of subdivision. Drawn by Paul R. Brown, of Indianapolis. Printed and mounted. Scale: 2″ to 1 mi. 40 x 40. Surv. off., rm. 2.

631. Marion County, 1892-95. 1 map.
Communications map of Marion County, showing toll and free gravel roads, range lines, sections, City of Indianapolis boundaries, and names of townships. Drawn by Thomas Palmer. Printed. Scale: 2″ to 1 mi. 42 x 42. Surv. off., rm. 2.

632. Marion County Atlas, 1899-1901. 3 vols.
Atlas of Marion County, including physical, political, and communications maps and plats of Indianapolis and Marion County, showing description, location, and area of plat; and creeks or rivers passing through plats. Published at Philadelphia, Pa., by C. W. Baist. Printed. Black and white. Scale: 1″ to 40 chains. 147 pp. 16 x 20 x 1½. Surv. off., rm. 2.

633. Marion County Atlas, 1869-83. 3 vols.
Plats and field notes of Marion County and a copy of the first survey made in 1820-21, showing section, township, and range numbers; and farm lands, lots, towns, rivers, creeks, and roads in each section. Drawn by W. B. Laughlin and John Hendricks. Printed. No scale given. 100 pp. 16 x 21 x 1. Surv. off., rm. 2.

634. Indianapolis and Marion County, 1911. 1 map.
Communications map giving sections of Indianapolis and Marion County, showing free gravel roads; township or district roads; boundaries; railroads; interurban lines; rivers; creeks; and range, township, and section lines. Drawn and published by Thomas Palmer. Printed. Scale: 4″ to 1 mi. 48 x 60. Surv. off., rm. 2.

635. Indianapolis and Marion County, not dated. 10 maps.
Political and communications maps of Indianapolis and Marion County, showing townships, airports, section and range lines, railroads, public

buildings, and parks. Published at Indianapolis by Big City Plan Commission. Printed. Scale: 4″ to 1 mi. 48 x 54. Surv. off., rm. 2.

636. City of Indianapolis, 1906-34. 5 maps.
Political maps of Indianapolis, showing date drawn, ward and precinct boundaries, and city blocks. Drawn by John R. Fenstermaker, of Indianapolis. Blueprint. Scale: 1″ to 1 mi. 36 x 36. Surv. off., rm. 2.

637. Beech Grove, approx. 1935. 2 maps.
Maps of Town of Beech Grove, showing partial list of Public Works Administration projects under construction, description and location of project, progress made, nature of project, and surrounding properties which will derive benefits from same. Drawn by W. K. Eldridge. Blueprint. Scale: 1″ to 200′. 24 x 36. Surv. off., rm. 2.

638. Plans for Legal Survey, 1931—. 24 drawings.
Drawings made from a legal survey of property lines in the county, showing location and description of property. Drawn by Bruce Short. Black and white. No scale given. 10 x 20. Surv. off., rm. 2.

639. Official Drainage Maps, 1907. 1 roll.
Map of ditch and sewer drainage of sections of Marion County, showing location and description of lands in Warren, Wayne, Lawrence, and Pike Townships affected by public drains. Drawn by H. W. Klousman. Scale: 4″ to 1 mi. 24 x 48. Surv. off., rm. 2.

640. Ditch Profiles Marion County, not dated. 2 vols. (1, 2).
Profiles of elevation of land along various ditches in Marion County showing name of ditch, station number, and elevation of land. No index. Hdw. Condition fair. 18 pp. 16 x 54 x 1. Rec. rm. 1., sec. 34.

641. Ditch Plat Records, not dated. 96 maps.
Plats of portions of the ditch drainage system of the county, showing name of ditch, and location and description of lands affected by drainage system. Blueprint. No scale given. 24 x 48. Surv. off., rm. 2.

642. Survey of Towns and Lands, 1873. 220 drawings.
Plats of surveys of towns and lands for drainage purposes, showing date of survey, names of landowners and towns, and location of land. Drawn by F. W. Hamilton, of Indianapolis. Blueprint. No scale given. 20 x 20. Surv. off., rm. 2.

XXXI. HIGHWAY SUPERVISOR

The highway supervisor of Marion County is appointed by the board of commissioners under the authority of an act of 1933 and serves at the will of the board. The board may appoint the surveyor or any other person to the office.[1]

From 1879 to 1913 the board of commissioners was constituted by the legislature a board of turnpike directors for the management and control of county highways.[2] This board was abolished by an act of 1913 and the office of superintendent of highways was created. The superintendent was appointed by the board of commissioners and placed

[1] Acts 1933 ; Burns 36-1110 ; Baldwin 8708.
[2] Acts 1879, ch. 115, sec. 1.

in charge of highways.[3] This office was abolished in 1933[4] and the office of highway supervisor created.[5]

From 1933 to 1937, inclusive, the surveyor was highway supervisor by appointment of the board of commissioners.[6] On January 1, 1938, a separate highway supervisor was appointed.[7]

The highway supervisor has general charge of the repair and maintenance of county highways, bridges, and culverts;[8] maps all highways, dividing the roads into districts, giving each road a separate name or number, and setting forth the length and character of each road and the kind and volume of traffic for the purpose of uniform maintenance;[9] exercises police power in the control of highways and may fix the limit of loads for any highway, bridge, or culvert;[10] establishes standards for maintenance according to topography, nature, and volume of traffic, and the availability of repair materials: and makes a complete itemized estimate of the cost of repair and maintenance of highways, bridges, and culverts for the annual budget.[11]

The records of the highway supervisor are maps of the highway system made by him,[12] reports of work in progress,[13] monthly reports to the board of commissioners of all work done, and an annual report of his work, with a complete statement of all expenditures under his supervision.[14]

The records are located in the courthouse, except where otherwise specified in the entry.

643. [Highway Appropriations and Disbursements], 1930—. In Ledger, entry 509.

Ledger of appropriations and disbursements of county highway funds, showing name of fund, date and amount of appropriation or disbursement, balance in fund, and nature of disbursements. Arr. by names of funds, thereunder by dates of appropriations or disbursements.

644. [Highway Department Reports], 1933—. In Commissioners' Papers, entry 2.

Reports of highway supervisor to board of commissioners of the progress and completion of the construction and maintenance of county roads, including an itemized account of expenditures, and an inventory of the equipment of the department, showing date of report, nature of work, amount of expenditure, and type of equipment.

[3] Acts 1913, ch. 330, sec. 1.

[4] Acts 1933; Burns 36-1113.

[5] Acts 1933; Burns 36-1110; Baldwin 8708.

[6] Acts 1933; Burns 36-1101, 36-1102, 36-1110; Baldwin 8699, 8700, 8708. Commissioners' Record, 62:478; 63:398.

[7] Commissioners' Record, 65:160.

[8] Acts 1933; Burns 36-1101, 36-1102, 36-1110; Baldwin 8699, 8700, 8708.

[9] Acts 1933; Burns 36-1109; Baldwin 8707.

[10] Acts 1933; Burns 36-1102; Baldwin 8700.

[11] Acts 1933; Burns 36-1103; Baldwin 8701.

[12] Acts 1933; Burns 36-1109; Baldwin 8707.

[13] Acts 1933; Burns 36-1106; Baldwin 8704.

[14] Acts 1933; Burns 36-1104; Baldwin 8702.

645. Time and Account Book of Assistant Superintendent of County Roads, 1916-28, 1938—. 120 vols.

Record of employees' time and wages, and expenditures for county road work, showing name of employee, nature of work, time employed, material used, and total costs. Hdw. 100 pp. 10 x 12 x ½. 79 vols., 1916-25, C. C., rec. rm. 4, sec. 3; 40 vols., 1916-28, rec. rm. 5, secs. 1, 20, 22; 1 vol., Jan. 1938—, highway supervisor's off., 21st and Northwestern Avenue, Indianapolis, Indiana.

646. Official Map of Marion County, City of Indianapolis, 1912. 4 maps.

Land tenure and communications map drawn in four sections, framed separately, each for one-fourth of Marion County, showing highways, railroads, traction lines, townships, ranges, sections, names of landowners, property lines, and total number of acres in each farm. Drawn by Thomas W. Palmer. Blue line print. Scale: 4″ to 1 mi. 60 x 48. Commissioners' Court, rm. 35.

XXXII. COUNTY PLANNING COMMISSION

The Marion County Planning Commission, established by an act of 1935, consists of eight members: One member of the board of commissioners, designated by the board; the surveyor; the agricultural agent; one member of the city plan commission of Indianapolis, selected by the city plan commission; and four other members, appointed by the board of commissioners. The terms of the four appointive members are: One for one year, one for two years, one for three years, and one for four years; and thereafter the terms are four years. They shall not hold any other appointive or elective county office or position during their service. The commission elects one member to serve as chairman, and adopts rules and regulations for its conduct.[1]

The county planning commission is to promote county planning, and may call upon all public officials, departments, and agencies for available information. After a study of the natural resources, population, and living conditions in Marion County, the commission is to adopt a master plan, as a whole or in parts as the work progresses, for the physical and economic development of the county, and certify the plan to the board of commissioners. The adoption of the plan or any part thereof must be by resolution of the planning commission upon the affirmative vote of no less than five members.[2]

The master plan, with maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the development of the county, including highways, waterways, and parks; aviation fields; drainage and sanitary systems; railroad and motor vehicle routes; public buildings, grounds, and institutions of local concern within the county,

[1] Acts 1935; Burns, 1937 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

[2] Acts 1935; Burns, 1937 suppl., 26-2303 to 26-2306; Baldwin, 1935 suppl., 5205-3 to 5205-6.

or which are appropriate subjects of a county as distinguished from a local municipal program or plan; and also a land utilization program, including general classification of land within the county for recreational, industrial, urbanization, housing, and other uses.[3]

After the adoption of the master plan or any part thereof and its certification to the county board of commissioners, no county public improvement—highway, ground, structure, or other property—shall be located, constructed, or acquired with county funds, or for any county department, unless the proposed location and extent thereof has been submitted to the county planning commission. If the department or official in charge of such location, construction, or acquisition does not act in accord with the report or advice of the county planning commission, a statement of the reasons therefor must be filed in the office of the department or official and be open to public inspection.[4]

The commission is to prepare and keep up to date a long-term development program of all major county improvement projects—a comprehensive construction and financial program—covering a two-year period, in consultation with the several county departments, for the purpose of assisting in stabilizing industry and employment by promoting the planning and timing of public works within the county. The public works program is to be revised annually, extending one year in the future, and an annual report thereon submitted to the board of commissioners.[5]

The commission co-operates with the state planning board in making surveys and formulating plans for the conservation, utilization, and development of the resources of the county; with the natural resources board or other agencies of the United States Government and state departments of Indiana and other states, for the same purposes; and with municipal, county, regional, and local planning commissions within the state for the purpose of co-ordinating state and local plans.[6]

The commission may, upon request or on its own initiative, furnish advice or reports to any county officer, or department on any problem in the field of county planning. It may, furthermore, prepare and submit to the county board of commissioners drafts of ordinances for the purpose of carrying out the master plan or any part thereof—including zoning or land use regulations, the making of official maps and the preservation of their integrity, the procedure for appeals from decisions made under the authority of such ordinances, and regulations for the conservation of the county's natural resources; which ordinances the board of commissioners is authorized to adopt.[7]

The commission keeps permanent and complete records of its proceedings, meetings, hearings, orders, and decisions.[8]

[3] Acts 1935; Burns, 1937 suppl., 26-2304; Baldwin, 1935 suppl., 5205-4.
[4] Acts 1935; Burns, 1937 suppl., 26-2307, Baldwin, 1935 suppl., 5205-7.
[5] Acts 1935, Burns, 1937 suppl., 26-2308; Baldwin, 1935 suppl., 5205-8.
[6] Acts 1935; Burns, 1937 suppl., 26-2303, 26-2309; Baldwin, 1935 suppl., 5205-3, 5205-9.
[7] Acts 1935; Burns, 1937 suppl., 26-2309; Baldwin, 1935 suppl., 5205-9.
[8] Acts 1935; Burns, 1937 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

This commission has been appointed in Marion County, but to date has not functioned.

XXXIII. AGRICULTURAL AGENT

The agricultural agent of Marion County is appointed by the director of agricultural extension service of Purdue University, subject to the approval of the state board—entitled county agricultural agent board—under the authority of an act of 1913, as amended in 1937. His qualifications are prescribed by the board, and his salary is paid from a state fund through Purdue University.[1]

The office of county agent was created in Marion County in 1913, under an act of that year, upon petition by residents of the county, and continued until 1937, when the amendatory act made the office mandatory. This agent, then commonly called agricultural agent as now legally, was appointed annually by Purdue University, subject to approval of the state and county boards of education. The state paid part of his salary.[2]

The agricultural agent, under the supervision of Purdue University, co-operates with farmers' institutes, farmers' clubs, and other rural and civic organizations; conducts practical farm demonstrations, boys' and girls' clubs and contest work, and other movements for the advancement of agricultural and country life; gives advice to farmers on practical farm problems; and aids the superintendent of schools and the teachers of the county in giving practical education in agriculture and domestic science.[3]

In order to develop extension programs for the improvement and advancement of agriculture, home economics, and rural life in harmony with Federal and state laws, the Marion County agricultural agent employs a home demonstration agent, who is also the boys' and girls' 4-H Club agent, and other necessary assistants. They work under his supervision and are paid by funds appropriated by the county council.[4]

The records of the agricultural agent consist of reports of his activities, to Purdue University, under its direction.

The records are located in the courthouse.

647. ANNUAL NARRATIVE REPORT, 1927—. 1 file drawer.
Copies of narrative reports of agricultural activities and statistics in county made to Purdue University by county agent, showing date of report, various phases of work in which engaged, and statistics concerning the work. Arr. by dates of reports. Typed. 12 x 27 x 24. Agr. agt. off., rm. 101.

[1] Acts 1913, 1923, 1927, 1937; Burns, 1937 suppl., 28-4911; Baldwin, 1937 suppl., 6457.
[2] Acts 1913, ch. 24, sec. 12.
[3] Acts 1913, 1923, 1927, 1937; Burns, 1937 suppl., 28-4911; Baldwin, 1937 suppl., 6457.
[4] Acts 1931; Burns 28-5627; Baldwin 6475.

648. INVENTORIES, 1927—. 9 bdls.
Inventories of farms under supervision of agricultural agent, showing name of farm; name and address of owner, date of inventory, and itemized list and value of all equipment and stock. Arr. alph. by names of farms. Hdw. 8 x 13 x 14. Agr. agt. off., rm. 101.

649. CLUB ACTIVITIES, 1936—. 4 file drawers.
Record of activities of members of women's and 4-H Clubs, showing name, age, and address of member; and account of activities. Arr. alph. by names of members. Hdw. 15 x 12 x 22. Agr. agt. off., rm. 101.

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